United Nations S/PV.4642

Security Council

Fifty-seventh year

Provisional

4642nd meeting

Tuesday, 5 November 2002, 10 a.m.

New York

President:	Mr. Zhang Yishan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Jingree
	Mexico	Mrs. Arce de Jeannet
	Norway	Mr. Strømmen
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Mahbubani
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo.

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-67562 (E)

The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in Chinese*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Martin Belinga-Eboutou, Permanent Representative of Cameroon to the United Nations, for his service as President of the Security Council for the month of October 2002. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Belinga-Eboutou for the great diplomatic skill with which he conducted at the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)

The President (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Belgium, Denmark, the Democratic Republic of the Congo, Oman, Rwanda, South Africa, Uganda and Zimbabwe, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda, His Excellency The Honourable James W. Wapakhabulo.

At the invitation of the President, Mr. Wapakhabulo (Uganda) took a seat at the Council table.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table; Mr. De Ruyt (Belgium), Ms. Løj (Denmark), Mr. Al-Hinai (Oman), Mr. Gasana (Rwanda), Mr. Kumalo (South Africa) and Mr. Muchetwa (Zimbabwe) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Chinese*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Kassem to take a seat at the Council table.

The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to call the attention of members to the following documents: S/2002/1187, letter dated 23 October 2002 from Rwanda, transmitting a statement and the reply by its Government on the final report of the Panel of Experts; S/2002/1199, letter dated 25 October 2002 from South Africa; S/2002/1202, letter dated 25 October from Uganda, transmitting a statement by its Government on the final report of the Panel of Experts; S/2002/1207, letter dated 28 October 2002 from Rwanda; and photocopies of a letter dated 4 November 2002 from Rwanda, which will be issued as a document of the Security Council under the symbol S/2002/1221.

I give the floor to the Honourable James Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda.

Mr. Wapakhabulo (Uganda): It is a great pleasure for me to address members of the Council on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). I am particularly happy to see you, Sir, presiding over the proceedings of the Council. Africa

will always remember the commitment and support extended by the People's Republic of China to our people in the struggle for independence, justice, peace and sustainable development. I can assure you of my delegation's continued cooperation in the search for peace and stability in the Great Lakes region. Allow me also to congratulate your predecessor, Ambassador Belinga-Eboutou of Cameroon, for the excellent manner in which he guided the work of the Council in October.

I would also like to thank the Secretary-General for his commitment to conflict resolution and peace-building in Africa and for his dedication to a broad, sustained and global fight against terrorism. His Special Representative for the Democratic Republic of the Congo, Ambassador Namanga Ngongi, and his Special Envoy, His Excellency Mr. Moustapha Niasse, have traversed the Great Lakes region and beyond to ensure progress in the implementation of the Lusaka Ceasefire Agreement and of the related Pretoria and Luanda Agreements, and the finalization of the inter-Congolese dialogue on the establishment of an all-inclusive transitional government in the Democratic Republic of the Congo.

Thanks to the support of the Security Council and the Governments of South Africa, Kenya, Gabon and Tanzania, prospects for peace in the Great Lakes region seem greater than ever before. We are most obliged to all members of the Council for the interest and commitment they have collectively shown on issues relating to the maintenance of peace and stability in Africa. Indeed, the annual visits by Council members to the Great Lakes region since 2001 are a clear demonstration of the Council's commitment.

The Government of Uganda has welcomed the release of the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. I wish to thank the Security Council for giving us the opportunity to respond to the contents of the final report.

We have prepared a detailed response to the final report, which has already been circulated in document S/2002/1202. It covers the strengths and critical weaknesses of the report. It responds to the major categories of allegations against the Uganda People's Defence Forces and outlines Uganda's views on the overall picture and on the challenges before the Security Council in the search for peace in the Great Lakes region.

With respect to Uganda's position on the principle of investigation, the Council will recall that in 2000 His Excellency President Yoweri Museveni gave his personal and strong support to the proposal to establish a United Nations panel to investigate allegations of illegal exploitation of natural resources of the Democratic Republic of the Congo. Since 2001, Uganda has extended its maximum cooperation to Panel members, during their visits to Kampala in November 2000, August 2001 and March and September 2002.

With the endorsement of the Security Council, Uganda established in May 2001 the Porter Judicial Commission of Inquiry to investigate allegations against Ugandan military officers, individuals and companies in connection with the illegal exploitation of the natural resources of the Democratic Republic of the Congo. As stipulated by our Commission of Inquiry Act, the Porter Commission has the judicial powers of the High Court of Uganda, including the power to subpoena witnesses and documents and to perform audits. I should say here that the Porter Commission has cooperated with the United Nations Panel, including through the exchange of information and materials.

The final report of the Porter Commission is expected by the middle of this month. Its mandate expires on 15 November, so it should be reporting any time now. The Government of Uganda will therefore await the release of the Porter Commission report before making any comments on allegations against specific Ugandan senior military officers and business people that are contained in the final report of the United Nations Panel. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the report. Uganda — and this is important — will without doubt keep the United Nations security Council advised of whatever measures it takes in implementation of the recommendations of the Porter Commission.

Uganda is a country that became involved in the Democratic Republic of the Congo out of genuine security concerns. We believe that, in the interest of promoting peace in the Great Lakes region, there should be transparency in the activities of parties involved directly or indirectly in the Democratic Republic of the Congo.

I will now comment on the positive aspects of the Panel's final report. As pointed out in my press statement of 23 October 2002, the Government of Uganda has noted that the final report contains a number of positive elements.

The report recognizes the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the Democratic Republic of the Congo, in accordance with the Security Council recommendations contained in the presidential statements of 3 May (S/PRST/2001/13) and 19 December 2001 (S/PRST/2001/39). The United Nations Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked differences between the Panel and the Commission on methods of investigation.

The report also confirms the fact that neither the Ugandan Government nor any of its companies are involved in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Indeed, the addendum to the previous report of the United Nations Panel (S/2001/1072) concluded that Uganda's involvement in the Democratic Republic of the Congo was based on, first, a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and, secondly, the legitimate security concerns emanating from the threat posed by the negative forces operating in eastern Democratic Republic of the Congo: the Allied Democratic Forces, the West Nile Bank Front, the Ugandan National Rescue Front II and the more recently formed People's Redemption Army.

The report also shares Uganda's view that an embargo or moratorium on exports of natural resources from the Democratic Republic of the Congo would not be a "viable means of helping to improve the situation of the country's Government, citizens or natural environment" (*S/2002/1146, para. 155*). As Uganda stated in its response (S/2001/1163) to the addendum to the first report, such a moratorium not only would be difficult to enforce but, in a very large measure, would hurt the Congolese small-scale farmers and artisan miners whose livelihood depends entirely on earnings from the traditional cross-border trade.

The report also positively covers more, and a wider range of, participants by covering the end-user countries. By doing so, the final report provided the missing link and, in our view, improved the scope of the investigation to cover all parties involved in the Democratic Republic of the Congo. Indeed, in our view, a deeper historical analysis of companies and criminal organizations based outside Africa would have definitely helped create a proper understanding of the failure to build viable State institutions and structures in the Democratic Republic of the Congo since the era of King Leopold II of the Belgians.

Also positively, the report also focuses on recommendations that will create conditions and incentives for encouraging all parties to implement their obligations under the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the Sun City resolutions. They relate also to deepening regional integration; calling for strong international financial support for building State institutions in the Democratic Republic of the Congo; post-conflict reconstruction in the Democratic Republic of the Congo and regional neighbours; deterring international organized crime syndicates from continued illegal activities in the Democratic Republic of the Congo.

We in Uganda found these to be positive aspects of the Panel of Expert's report. But we also had difficulties, and we have areas we consider to be of concern to us. I will outline these. The first is the downplaying of Uganda's security concerns in the eastern Democratic Republic of the Congo. Unlike the addendum report of November 2001 (S/2001/1072), the final report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement, the relevant Security Council resolutions, and the bilateral agreement between Uganda and the Democratic Republic of the Congo signed on 6 September 2002 in Angola.

Let me reiterate that Uganda got involved in the Democratic Republic of the Congo as a result of genuine security concerns. These included the operations of the terrorist groups I mentioned earlier and other forces such as the genocidal members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe. Those groups have used the territory of the Democratic Republic of the Congo to launch persistent and indiscriminate terrorist attacks on the people of Uganda.

I will cite a few examples. This included the grisly incidents at Mpondwe in 1996, when more than

1,000 troops invaded Uganda from the Democratic Republic of the Congo at a border point called Mpondwe and at Kichwamba in 1998, where more than 100 college students were locked up in their dormitory and killed. I would also cite the Bwindi terrorist massacres of 1999, in which foreign tourists — from Britain, the United States, Australia and New Zealand — were killed, together with Ugandans. Bwindi forest is one of the last gorillas sanctuaries in the world. There continue to be persistent Interahamwe attacks in the Kisoro district of Uganda on the border with Democratic Republic of the Congo.

Another area of concern to us is the application of an invalid hypothesis to find Uganda guilty. There is the hypothesis of the elite networks, which are claimed to have curved out separate self-financing areas and to be responsible for the continuation of microconflicts over natural resources and revenues in the Democratic Republic of the Congo. This hypothesis, to us, is fundamentally flawed and invalid. A simple analysis will show that the basic assumptions of the hypothesis are wrong: the evidence of the existence of Ugandan elite networks is untenable and the motive of the hypothesis, to us, is ill-intentioned. I will elaborate on this.

The hypothesis makes the incorrect assumption that the Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-K/ML) and the Mouvement de libération Congolais (MLC) are mere façades and militias in the so-called Ugandan-controlled area. Since May 2001, Uganda has withdrawn from the Democratic Republic of the Congo; recently we withdrew from Beni and Gbadolite. We are left with one battalion, which remains in Bunia at the request of the Secretary-General, conveyed in his letter of May 2001, and also in accordance with the provisions of the Luanda Agreement between the Democratic Republic of the Congo and Uganda. My country is still committed to complete withdrawal, even from Bunia itself, and I will comment on this later. But I would like to say that the MLC and the RCD are right now effectively responsible for the administration of the areas under their respective control, and are not just façades; they actually control territory and are recognized under the Lusaka Ceasefire Agreement and by the Security Council.

The Panel of Experts does not appear to be cognizant of the history of the Democratic Republic of the Congo since the time of King Leopold II — including the fact that Uganda has been a victim of repeated terrorist attacks from that country's territory — when it says that Uganda really went there to loot. Furthermore, we find no evidence of the creation of an elite network in the so-called Uganda-controlled area.

We find the composition of the Panel of Experts and their method of investigation not to demonstrate a capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the Democratic Republic of the Congo. This may be due to the fact that membership of the Panel constantly changed, which also created some weakness.

But in a conflict such as that in the Democratic Republic of the Congo, one has to be careful when listening to or believing any evidence. For instance, the Panel believed the testimony of some Lendu chiefs that the Hema are responsible for protecting mineral-rich areas for purposes of exploitation. What we know is that it is not wise to believe what a Lendu says about a Hema, and vice versa. We also found it professionally dishonest to extrapolate data from one area of the vast Democratic Republic of the Congo to try to prove that, in the area where Uganda is, similar situations, such as deaths, are of the same magnitude. Even in my own country, one part of Uganda cannot be used to extrapolate for another.

More so, it is contrary to the mandate issued by the Council that the Panel elected in most cases to overlook the requirement for the inclusion of comments and reactions from States and other actors cited in the report. That was a major weakness in the work of the Panel. We can illustrate this by citing a number of examples. In paragraphs 102, 103 and 122, the Panel makes a muddled analysis of the recent power play in the eastern Democratic Republic of the Congo, and wrongly concludes that General Saleh, a retired Uganda People's Defence Forces (UPDF) officer, is training a private militia, that Uganda is intent on breaking up MLC to boost the Rassemblement Congolais pour la Démocratie (RCD-Congo), and that there is an attempt to replace Mbusa Nyamwisi with Roger Lumbala of the Rassemblement Congolais pour la Démocratie-Nationale (RCD-N).

Those who know the Congo can explain that the politics of the area is as follows: RCD-Congo is a splinter group of RCD-Goma; they disagreed with each other following the Sun City agreement, signed in

South Africa. Roger Lumbala is actually allied to Jean-Pierre Bemba and the MLC. There is no evidence to suggest that UPDF officers are in the process of undermining Bemba to bring him down. To the contrary, Bemba remains a close ally of Uganda. RCD-ML is allied to the Kinshasa Government and has been receiving military and other support from it in an attempt to open a rear front against Bemba; hence the fight between Mbusa Nyamwisi and Lumbala in the Isiro area. RCD-ML has been arming and training the Lendu against the Hema in the Ituri region. So, Hema elements have consequently deserted to form their own army under former RCD-ML Defence Minister Thomas Lubanga. The Union des Patriotes Congolais (UPC) has been seeking alternative sources of arms because we have refused to give them arms. Importantly, the Hema-Lendu conflict is historical, and not a result of the fact that UPDF went to Ituri.

The allegations that the UPDF is involved in commercial operations (para. 122) and that the Chief of Military Intelligence, Colonel Mayombo, signed a Protocol d'Accord on 22 February 2002 in exchange for a monthly stipend of $25,000 and exemption from taxes are, in our view, based on forged documents. The Panel had a chance to meet Colonel Mayombo in Kampala, but it never took advantage of this to clear this sort of material. It should have met authorities of the Uganda Government if they were in doubt. But there is no such Protocol d'Accord, as alleged in the report. And when you look for the evidence, there is no corroborating evidence. The Panel claimed that its findings would be based on the testimony of eyewitnesses and that it would operate under reasonable standards of proof, with fairness and objectivity. Unfortunately, the final report still contains serious factual errors, uncorroborated information, contradictions and clear distortions. The uncorroborated allegations against UPDF and those against the Government of Uganda could have been checked up on if the Panel had cared to do so. Let me comment on some of them to illustrate the point that I am making about serious errors.

In paragraphs 12, 14, 101 and 102, the Panel alleges that the UPDF presence is the cause of the instability in the Ituri area and that it is designed to create conditions for the continued illegal exploitation of the resources of the Democratic Republic of the Congo. I wish to point out that the UPDF remains in the Democratic Republic of the Congo at the request of the Secretary-General. We could have moved out completely, because we gave notice in July last year that we would do so. It remains there as a stabilizing force. Otherwise the process of the Lusaka Cease-fire Agreement in that area would have collapsed.

We were requested by the Secretary-General to withdraw UPDF from the area in the context of the Kampala disengagement plan. Through a special envoy, Uganda had notified the Secretary-General of its withdrawal from the Lusaka process and, therefore, of the unilateral withdrawal of its forces from the Democratic Republic of the Congo. Uganda has signed bilateral agreements with the Democratic Republic of the Congo, such as one signed in Angola; that will provide for the total withdrawal of UPDF and the creation of the Joint Pacification Committee on Ituri. I will return to that after I have addressed a number of other issues.

The Hema-Lendu conflict is historical and was triggered by a fight over land. The late Mobutu Sese Seko sided with the Hema and gave land to them, to the annoyance of the Lendu. We found this conflict there when we went into Bunia. We did not create the conflict, as seems to be alleged by the Panel. In fact, the situation is that, where Uganda has withdrawn — as in Gbadolite, Gémena, Buta and Beni, — there is relative peace. Many of those areas have more natural resources and larger populations than Bunia, where there has been persistent Hema-Lendu ethnic conflict over land. In other words, why should we leave Buta and Gémena and come to set up business operations and networks in a conflict-prone area? Right now, Uganda is prospecting for hydrocarbons and other minerals in areas adjacent to Ituri. What we need when we do this is peace in the neighbourhood, not confusion.

I will clarify that we are drilling for oil in the area on the floor of the Rift Valley, with very good prospects. We do not want war or conflict in the neighbourhood so that we spend our time managing refugees instead of drilling in our area as we are doing right now. As proof of the creation of conditions for the continued presence of UPDF for commercial operations, the Panel alleges that a Protocol d'Accord was signed on behalf of Uganda; as I said, that Protocol does not exist.

The Panel then alleges that UPDF is maintaining local militias in the eastern Democratic Republic of the

Congo to protect elite networks. I should point out that Uganda, through UPDF, has never trained any personal militias. But what we can say is that the Uganda Government has trained armies on behalf of its allies, namely the MLC and the RCD. The trained troops in the hands of the MLC continue to provide effective security and administration in the area under MLC control. Unfortunately the RCD has suffered numerous divisions in its leadership. As a result, some of the troops are under Mbusa Nyamwisi, in North Kivu, in the Beni-Butembo area. Others are under the former Defence Minister, Thomas Lubanga, who has since formed his own political group. The confusion in the report arises from the fact that the Panel did not understand those political situations in the area.

The fact that reference is made to UPDF as running militia groups that operate through intimidation is totally untrue. We operate on a very strict code of conduct, and many of our development partners here have complained to us that we are sometimes too strict in our application of our statute on the code of conduct. In fact they call it harsh, to say the least.

The United Nations Panel tries to hit a soft target by making a false allegation that 165 children between the ages of 14 and 16 were recruited and trained at a UPDF military camp at Tchakwanzi, in Uganda. The Council may wish to know the facts regarding this allegation, because it is serious and it involves children. Tchakwanzi is not a UPDF camp. It is a political school where we take our children for education in political matters. The children in question were rescued from a mutiny by Mbusa Nyamwisi and John Tibasima against Professor Wamba dia Wamba in Bunia, and we took them to Kampala or to Entebbe, complete with their weapons, and disarmed them as a way of assuring that there would be no deaths. I was in charge of that school because I was then national political commissar and we took those children to that place for counselling and for care. The children were subsequently handed over to the United Nations, which processed them and sent them back to their parents. No other training of children is known to us.

What is the way forward? Uganda remains convinced that the Security Council should put priority emphasis on the speedy implementation of the Lusaka Cease-fire Agreement and the supporting agreements made in Pretoria and Luanda. That would lead to the establishment of a new transitional government and a State capacity to guarantee against the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.

Uganda believes in the speedy implementation of programmes for disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) which remain key to peace and security in the Great Lakes region. We have sorted out our programmes but, as I said earlier, Interahamwe continues to harass our territory in Kisoro. Therefore, Uganda calls upon the Security Council to strengthen MONUC and to support capacity-building programmes for peacekeeping and peace-building by African countries in order to implement DDRRR programmes.

The way forward for Ituri is through the implementation of Luanda Agreement, which provides for the creation of the Joint Pacification Committee on Ituri. The international community should provide adequate material support to the Committee. At this stage, the Council should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given that UPDF is committed under the Luanda Agreement to complete withdrawal from Bunia by 15 December 2002.

This is a very serious matter. Under the Agreement we signed in Luanda, we said that on D-day — 6 September — plus 50 days Uganda was to submit a detailed plan of how we propose to withdraw from Bunia, and I will check whether we have done so. On D-day plus 70, which is next week, Uganda begins to withdraw troops from Bunia. And on D-day plus 100, which is 15 December, Uganda completely withdraws UPDF troops from Bunia. So, under the Agreement, the Council has to tell us what to do, because very soon, by virtue of the agreement, we shall be going out; this is to be completed by 15 December.

In our view, the proposed international conference on peace, security and sustainable development should take place under the auspices of the United Nations and the African Union (AU) soon after the establishment of a transitional government in the Democratic Republic of the Congo and a ceasefire in Burundi. Issues to be discussed at the conference, in our view, should be: post-conflict rehabilitation, reconstruction and development in the Great Lakes region; measures to support the deepening of regional economic integration, especially in the areas of infrastructure and human resources development; capacity-building for peacekeeping and

conflict resolution; and strengthening African Union capacity to monitor post-conflict reconstruction in the context of the New Partnership for Africa's Development (NEPAD).

Uganda calls upon the countries cited in the final report, including the end-user countries, to establish independent judicial commissions of inquiry to investigate and recommend appropriate measures on allegations of illegal exploitation of the Democratic Republic of the Congo. The Secretary-General should cooperate and should share information with Member States who wish to establish such judicial mechanisms. Uganda would be happy to share with other countries the experience of our Porter Commission of Inquiry in this respect. It is in such a context that individual companies and entities mentioned can, in our view, be fairly tried and punished.

In conclusion, let me say that we should focus on the big picture. Today, as I said earlier, we stand at the crossroads of a major breakthrough for peace in the Democratic Republic of the Congo, Burundi and in the Sudan through the Machakos process. The prospects for peace in the Great Lakes region have never been greater. The ongoing inter-Congolese dialogue in Pretoria has finalized agreement on a power-sharing arrangement for a transitional government in the Democratic Republic of the Congo. The intransigent Burundi rebels are expected to join the transitional government sometime in the near future, as far as we can see from what is going on in Dar es Salaam. And for the first time in history, President Al-Bashir of the Sudan and General Garang of the Sudan People's Liberation Army (SPLA) met in Kampala in mid-2002. In our view, the challenge before the Council, therefore, is to seize the moment and focus on the big picture, establishing the necessary conditions for peace, stability, regional integration and development in the Great Lakes region.

In our view, the Security Council should, therefore, while protecting the wealth of the Democratic Republic of the Congo, focus on five key elements of the big picture. The first is to strengthen United Nations Security Council support for the implementation of the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the inter-Congolese dialogue resolutions which were arrived at with a view to establishing an all-inclusive transitional government in Kinshasa. In my capacity as incoming Chairman of the Political Committee of the Lusaka Agreement, I promise to work closely with the Council on this issue.

Secondly, we would like to see support for regional and subregional integration in the framework of the African Union and NEPAD. In our case, the East African Community will soon agree on a customs union to pave the way for the admission of Rwanda and Burundi. As Chairman-in-Office of the East African Council of Ministers, I must applaud Ambassador Kassem's Panel in respect to this question of regional integration, which is supposed to help resolve some of the issues in our area.

Thirdly, we advocate strengthened cooperation among the United Nations as a whole, the Security Council, the African Union and the subregional security mechanisms in the resolution and prevention of conflict at the regional and continental levels in Africa as a solid basis for the implementation of NEPAD. Uganda will soon assume the leadership of the Intergovernmental Authority on Development (IGAD), a very important regional body. I can assure the Council that the efforts of my President as head of IGAD and mine as Chairman of the Council of Ministers of that body will be applied towards the realization of peace in Sudan and Somalia.

Fourthly, we would like the United Nations to encourage all countries cited in the Panel's report to establish independent judicial commissions of inquiry and to report back to the United Nations on measures to implement the relevant recommendations.

Finally, we call again on the Council to find immediate ways to ensure adequate MONUC deployment in Ituri for the maintenance of law and order as the Uganda People's Defence Forces withdraw from Bunia by 15 December 2002.

I apologize for having taken so long, but this is a very important matter, and I thank the Council for having given me the opportunity to make a contribution to this very important body of the United Nations, the Security Council.

The President (*spoke in Chinese*): I thank the Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda for the kind words he addressed to me and, especially, to my country.

I should like to inform the Council that I have received a letter from the representative of Canada, in which he requests to be invited to participate in the

discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Heinbecker (Canada) took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Chinese*): The next speaker on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): I thank you, Mr. President, for allowing us to participate in this important debate. I would like at the outset to thank the Permanent Representative of Cameroon, the Council President for October. We were proud of the way he steered the work of the Council. We welcome you, Sir, as President for this month and wish you the best as you proceed with your work.

My delegation affirms its support for the work of the Security Council, together with its subsidiary bodies, such as the sanctions Committees, monitoring mechanisms and expert panels. We consider these bodies to be mechanisms for contributing to peace by following up on the mandatory implementation of Security Council resolutions.

We believe that the work of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo complements peace efforts in the Great Lakes region. The report of the Panel of Experts (S/2002/1146) is useful in highlighting the impact of the illegal exploitation of the natural resources of the Democratic Republic of the Congo in fuelling the conflict in the Great Lakes region. All the agreements reached in resolving the conflict in the Democratic Republic of the Congo will not be implemented as long as there is a belief that war is more profitable than peace.

The Security Council is well aware of the commitment the South African Government has made towards achieving a peaceful resolution of the conflict in the Democratic Republic of the Congo, as well as that in the wider Great Lakes region. My Government believes that the achievement of peace in the Democratic Republic of the Congo is essential for contributing to the renewal of the African continent and the achievement of the goals of the New Partnership for Africa's Development (NEPAD).

However, we would like to inform the Security Council that South Africa is disappointed with the content of the final report presented to the Council by Ambassador Mahmoud Kassem. We are disappointed in the methodology the Panel used in gathering its information and in the conclusions and recommendations the Panel sets out in its report. South Africa would urge that the Security Council require the Panel to further investigate and substantiate the allegations and recommendations made in the report. We believe that the Panel's report contradicts the aims and the intentions of the Security Council.

As a matter of principle, my delegation is of the view that, when the Security Council establishes bodies to assist in the follow-up work of the Council, those bodies must follow clearly established guidelines in conducting their work. These should include close cooperation and consultations with Governments. It is therefore not acceptable that an expert panel, given an opportunity to meet with Government authorities, withholds information on matters that are of concern to the Governments involved. Yet Governments are supposed to further investigate allegations of interest to panels without being given basic information. In other words, we would hope that panels are there to assist Governments in carrying out the requirements of relevant Security Council decisions.

The South African Government met several times with the Panel. The Panel expected the South African authorities to conduct further investigations and to undertake any steps that might be necessary. However, South African Government authorities were expected to conduct an investigation with either little or no information. The Panel's report shows that the Panel had in its possession much information that could have been of assistance to further investigations. However, the Panel chose not to divulge that information, other than to use it as supposed evidence in its report.

I should like to use this opportunity to address some of the issues that have been raised by the Panel with regard to South Africa, to South African-based companies and to individuals. In paragraph 31, the report states:

> "Also working with ZDF is a convicted criminal based in South Africa, Nico Shefer, who has arranged for Zimbabwean officers to be trained in diamond valuation in Johannesburg. Mr. Shefer's company, Tandan Holdings, has a 50 per cent stake in Thorntree Industries, a joint venture diamond-trading company with ZDF."

On 14 June 2002, the South African Government was requested by the Panel to provide information concerning the trading — whether openly or clandestinely — of Congolese diamonds in South Africa or the transport of Congolese diamonds through South Africa by the Minerals Business Company (MBC). It was stated by the Panel that the South-African-owned or -based company Thorntree Industries reportedly has an agreement with MBC to trade its shipments of Congolese diamonds. On 31 July 2002, the South African Government informed the Panel that it had no information to verify the allegation concerning the transport through South African territory of diamonds bought by Thorntree Industries. It should also be noted that the issue of Mr. Shefer's arranging for Zimbabwean officers to be trained in diamond valuation in Johannesburg has never been raised with the South African Government by the Panel. The question of Mr. Shefer and Thorntree Industries is similarly raised in paragraph 58 of the report.

In paragraph 52, the report states:

> "Mr. Al-Shanfari instructed his security chief to smuggle diamonds from the Sengamines concession to Johannesburg, South Africa, and deliver them to Ken Roberts, the chief executive of Serengeti Diamonds."

That information has never been shared with the South African Government, nor has it ever been the subject of an inquiry addressed to the South African Government by the Panel.

In paragraph 139, the report identifies South Africa as one of 11 African States through whose territory goods originating in the Democratic Republic of the Congo are likely to pass. The Panel further states that it submitted questions to all of those countries and held substantive discussions with government representatives from five of them. The Panel inquired about relevant legislation, investigations into the flow of the commodities, measures taken to curb those flows, other possible action to be taken and those Governments' needs for assistance. According to the report, virtually none of the countries that responded to the Panel's questions had conducted any investigations or adopted any specific procedures for the identification or inspection of the transiting of commodities from the Democratic Republic of the Congo.

The report goes on to state that South African officials confirmed the seizure of a sizeable clandestine shipment of diamonds from the Democratic Republic of the Congo, but it provides no details. Also stated is that none of the authorities in those countries gave any indication that Congolese resources traded through their territories should or could be regarded as conflict goods, and that almost none of the countries proposed any meaningful measures to help curb trade in Congolese commodities that are tainted by criminality and militarization.

In September 2001, the Expert Panel approached South Africa regarding procedures followed by South African law enforcement agencies in combating smuggling activities and organized crime, as well as a chart clarifying the division of authority and the responsibilities of various authorities. On 14 June 2002, the South African Government provided a detailed description of the role and the functions of law enforcement agencies in South Africa. In addition, the Government provided the Panel with details of relevant legislation utilized in curbing smuggling and organized crime. The Government stated, however, that the South African law enforcement agencies are not aware of any significant or organized groups that are engaged in smuggling or other illegal activities involving diamonds, gold, coltan or other natural resources originating from the Democratic Republic of the Congo. The Panel had asked the South African Government for examples of actual cases of smuggling made by the South African law enforcement agencies originating from the DRC and countries involved in the conflict. The information provided by the South African authorities confirmed that a national of the Democratic Republic of the Congo had been arrested at Johannesburg International Airport in December 2001 with 13 diamonds in his possession. The Panel was informed that the individual had appeared in court, but that the case had been postponed until June 2002. It was further explained to the Panel that, since the court case was still pending, no additional information could be provided. That was the only information provided to the Panel regarding a seizure of diamonds with a connection to the Democratic Republic of the Congo.

In the information provided to the Panel, it was not possible to indicate the origin of the diamonds.

In annex III to the report, the Panel lists those business enterprises that it considers to be in violation of the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. Twelve South African companies are listed under annex III. Although no substantiating evidence for those listings is provided, the report states that

> "Countries which are signatories to those Guidelines and other countries are morally obliged to ensure that their business enterprises adhere to and act on the Guidelines." (*S/2002/1146, para. 177*)

With regard to the specific companies mentioned, South Africa has never been approached by the Panel regarding a company by the name of African Trading Corporation. Anglovaal, Banro Corporation, Carson Products, Mercantille CC, Saracen, Swanepoel, Track Star Trading 151, Zincor, Iscor and Orion Mining Inc. have never been mentioned in any of the Panel's previous reports, and no information related to their business activities or conduct has ever been shared with the South African Government, nor has any of those companies ever been the subject of an inquiry addressed to the South African Government by the Panel.

On 14 June 2002, the South African Government was requested by the Panel to provide a list of all South African and South-African-registered companies operating in or with the Democratic Republic of the Congo. During the meeting with the Panel, the South African authorities specifically raised with the Panel their serious concerns about its queries regarding South African companies operating in the Democratic Republic of the Congo, without any indication as to their participation in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. South Africa underlined the fact that unsubstantiated queries by the Panel about the activities of companies operating legally and above board in the Democratic Republic of the Congo could be interpreted as casting unwarranted aspersions on their activities. In this context, I should also like to note the fact that South Africa is not a signatory to the OECD Guidelines. Although we support the objectives of the OECD, we do not understand how the Panel can use this mechanism as a means of accountability when we are not signatories to the Guidelines.

The report's statements about South Africa, South African companies and South African individuals consequently do not appear to be substantiated by hard evidence or information, nor does the Panel draw any distinction between legal and illegal activities of companies in its report. In our interaction with the Panel, the South African authorities underlined the difficulties that are experienced when dealing with the vagueness of certain queries received. It was pointed out that the provision of more detailed and accurate information would assist the South African authorities in addressing issues raised.

I understand that my statement is critical of the final report and that it brings into question the approach and methodology that have been adopted in its compilation. It is our hope, however, that the Council will take these concerns into account in its consideration of this report and of any new mandate that may be given to the Panel. We suggest humbly that the Council provide clear and specific guidelines on the functioning, approach and operating standards of any future mechanism it may decide to establish with regard to the Democratic Republic of the Congo.

The Council will understand that South Africa regards this in a serious light, not only because of its imputations, but also because of the role that South Africa continues to play, both in its national capacity and as the Chair of the African Union, in achieving lasting peace, security, stability and prosperity for the Democratic Republic of the Congo and its people.

Perhaps one of the most sweeping statements in the Panel's report is contained in paragraph 65. In the last sentence of that paragraph, the Panel dismisses the fundamental premise on which the Lusaka Agreement is based — the security concerns of parties to the Agreement — and which the Security Council itself has welcomed as a basis for peace in the Democratic Republic of the Congo. This misconception of the peace process in the Democratic Republic of the Congo, which is based on the Lusaka Agreement and which continues to preoccupy this Council, raises questions about some of the equally ambitious conclusions this Council is being asked to endorse.

Finally, it gives us no pleasure to come and contradict a Panel that the Security Council has appointed. However, we believe that it is important for the Council to act on facts, rather than on incomplete or even false information. When the Security Council

speaks, the whole world listens. For this reason, it is important that the Council rely on accurate and factual information when it makes its decisions.

The President (*spoke in Chinese*): I thank the representative of South Africa for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make her statement.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union (EU). The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta, Turkey, as well as the country of the European Economic Area that is a member of the European Free Trade Association — Iceland — align themselves with this statement.

First permit me to congratulate you, Sir, on China's assumption of the presidency of the Security Council. Allow me also to commend the presidency of the Security Council on convening this open meeting on the important final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

The EU would like to underline the importance of discussing the economic aspects of conflicts in general and especially the connections between political and economic dynamics in conflict situations. We therefore welcome an open and transparent debate regarding the problems of resource exploitation. The European Union welcomes the final report and commends the Panel of Experts for its investigations and recommendations. The EU is looking forward to the outcome of the debate in the Security Council on the report.

The situation described in the report is most disturbing. The economic aspects of the conflict, and especially the illegal exploitation of natural resources, have fuelled the conflict and increased the human suffering. The conflict has dramatic consequences for the civilian population of the Democratic Republic of the Congo, especially in the eastern parts. The continuation of these illegal economic activities constitutes a serious obstacle to a peaceful resolution of the conflict. This is unacceptable by all moral, ethical and political standards.

Parties to the conflict at all levels have, according to the report, taken part in the illegal exploitation. Governments, Government officials, including army officers, local administrations, individuals, armed groups and companies have been involved. The report claims that elite networks continue the illegal exploitation of the Democratic Republic of the Congo despite the positive political and military dynamic created by the agreements of Pretoria and Luanda and despite the two previous reports from the United Nations Panel of Experts. We therefore welcome the fact that the Governments accused of this can take the floor here to defend themselves. If the claims are true, however, this activity must be strongly condemned from all sides and stopped.

Evidently, combating such well-organized exploitation will not be simple. It will require consolidated action by the international community and national Governments, both in the Great Lakes region and elsewhere, based on a process of thorough consideration and analysis. The conclusions and recommendations of the Panel's report will be an important input into this process.

The report suggests the creation of forceful incentives and disincentives to change the present patterns of illegal exploitation. Investments and exploitation of resources in a legal and sustainable way should be encouraged, thereby contributing to the economic stability of the whole region and benefiting the population at large. The European Union agrees that the international community must undertake efforts to fight those illegal practices and put pressure on those involved in these activities.

We must focus on how to control the utilization of natural resources. Securing the national borders of the Democratic Republic of the Congo is an important step in this regard. Furthermore, the European Union will closely examine the recommendations listed in the report regarding putting financial and technical measures in place, the need for institutional reform and ensuring a peace dividend. Full implementation of the Lusaka Agreement will create an environment conducive to international investments and further development assistance.

The EU echoes the report's call on national Governments of all countries where individuals,

companies and financial institutions involved in illegal activities are based to assume their part of the responsibility. They should ensure that those individuals and entities are made accountable, while ensuring them the right and the opportunity to defend themselves against the accusations.

The European Union considers it important that Governments urge private enterprises to adhere to the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises. The EU stresses the importance of the Kimberley Process, which aims at organizing the certificates of origin system in the diamond sector.

Restrictions on certain business enterprises and individuals may be necessary to curb the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The European Union is ready to assist the Security Council in that regard.

The European Union shares the analysis that the establishment of an inclusive, transitional Government in Kinshasa is very important. The EU has continuously called upon all Congolese parties to reach an all-inclusive agreement on power-sharing and transitional institutions.

The EU also supports the conclusion that all rebel groups in the Democratic Republic of the Congo should be disarmed and all foreign forces withdrawn, in accordance with existing peace agreements. The EU has constantly reminded all parties to the conflict of their obligations in that regard.

The EU is considering the Panel's call to hold an international conference on peace, security, democracy and sustainable development in the Great Lakes region. Such a conference could provide a platform for addressing a number of the cross-border challenges of importance to the conflict. Furthermore, it could address issues concerning the future stability and development of the region, including strengthened regional integration and cooperation. The European Union stands ready to discuss cooperation with the countries of the region, the United Nations and the African Union on such a conference.

The EU supports the recommendation to establish a monitoring mechanism.

Allow me to conclude by reaffirming the commitment of the European Union to contribute to bringing an end to the illegal exploitation of the resources of the Democratic Republic of the Congo. The EU will continuously engage in cooperation with the countries of the region and the international community to secure peace, stability, democracy and sustainable development in the Great Lakes region.

The President (*spoke in Chinese*): I thank the representative of Denmark for her congratulations to China on its assumption of the presidency of the Council.

The next speaker inscribed on my list is the representative of Belgium. I invite him to take a seat at the Council table and to make his statement.

Mr. De Ruyt (Belgium) (*spoke in French*): Allow me at the outset to congratulate the representative of Cameroon for the effective way in which he presided over the work of the Council during the month of October, and to congratulate you, Sir, on your assumption of the presidency of the Council. I am convinced that, under your competent leadership, the Council will be in a position to successfully assume its important responsibilities for the month of November.

I also wish to thank you for taking the initiative of holding an open discussion on this important report (S/2002/1146), to which Belgium attaches special importance. I hope this debate will enable us to better understand this complex material and to give a more detailed response to the questions it raises. My statement supplements the one made by the presidency of the European Union, which we fully endorse.

I wish to commend the efforts made by Ambassador Kassem and other members of the Panel in drawing the attention of the international community to the illegal exploitation of natural resources of the Democratic Republic of the Congo and to their disastrous effects on the peace process, as well as on the opportunities to rebuild the country.

This report is also an important contribution to the consideration of the causes and stakes involved in the illegal exploitation of resources in general.

Belgium welcomes the special attention paid by the report to the economic dimension of the search for peace in the Democratic Republic of the Congo. Therefore, we strongly support the Panel of Experts' first recommendation, that:

> "a set of agreements or initiatives on reconstruction and sustainable development are

needed to address the economic dimension of the Lusaka peace process and provide incentives for continuing progress." (*S/2002/1146, para 161*)

We also support the Panel's suggestion whereby economic integration and regional trade should be the subject of regional consultations aimed particularly at organizing the conference on peace, security and sustainable development in the Great Lakes region.

As members know, the Belgian Government, particularly the Deputy Prime Minister and Minister for Foreign Affairs, Mr. Louis Michel, have spared no effort to encourage internal political dialogue in the Democratic Republic of the Congo and respect for the commitments made by all the parties in the Lusaka, Pretoria and Luanda Peace Agreements. But in order for current progress to be consolidated and to lead to lasting peace and for democratic institutions in the Democratic Republic of the Congo to be gradually established, it is absolutely necessary that the economic pillaging of the country, as described in the Kassem report, be denounced and all efforts be made to put an end to it.

Belgium is convinced that the re-establishment and reform of institutions of the Democratic Republic of the Congo are crucial in order to enable the transitional government to control the country's natural resources. Belgium supports the recommendation of the Panel of Experts in that regard, and, in fact, it has made that objective a priority of its bilateral cooperation, advocating greater substantial official development assistance in that respect.

Addressing problems of illegal exploitation of resources requires first and foremost a structural approach. The Security Council should thus, and above all, seek normative solutions that make possible the continuation of legitimate economic activity in the region by establishing well-defined criteria. Those criteria should allow, for example, for a better definition of the term illegality and should avoid a situation whereby companies would find themselves, ex post facto, faced with ill-defined concepts of morality and legitimacy.

Such a normative framework would also enable us to clarify the scope of criticism levelled by the Panel against individuals, companies or Governments. Respect for those norms and possible controversial differences in that regard could therefore be evaluated on a more thorough and objective basis. In that regard, it is regrettable that the right to be heard and to defend oneself has not been respected in the cases of cited individuals and companies, and for which sanctions are proposed. Therefore, the criteria and the evidence on the basis of which individuals and companies are included on the annexed list are not clear. Moreover, in some cases they are not contained in the body of the report.

The Kimberley Process of certification could serve as an example of a structural approach such as the one I have just mentioned. From the outset, Belgium firmly committed itself to that process in order to find exhaustive arrangements regarding the diamond sector. In fact, we hope that the Security Council will assume its responsibilities in that regard by supporting that process in due course.

Above and beyond the normative approach, there are other ways of reacting to the situations described in the report. The establishment of a sanctions regime is a possibility. There are also broader options with regard to their coverage, but they must all be applied judiciously. That is true in the case of reducing official development assistance, which runs the risk of having negative consequences, particularly for people who are often innocent victims.

For a possible sanctions regime, as well as for other options, it is essential that the actions decided upon be part of a framework of a peace process and that they not affect it negatively. Indeed, the Panel was established primarily to contribute to restoring peace and stability in the Democratic Republic of the Congo.

At the national level, the Belgian Government has firmly committed itself to the resolution of the problems stemming from the illegal exploitation, and the economic situation, of countries in conflict. My Government adopted in July a plan of action in this regard. Our Minister for External Trade, Ms. Annemie Neyts-Uyttebroeck, came to New York in October to consult with the Chairmen of the sanctions Committees established by the Security Council, as well as with the Chairmen of the Monitoring Mechanisms.

Belgium overall advocates greater uniformity in the expert panel system as well as the establishment of clear-cut rules for professional conduct and confidentiality. In this context, it held, on 30 October in Brussels, a seminar aimed at an in-depth consideration of the issue at the national level and at consolidating the initiatives taken by our country in the

context of the Organization for Economic Cooperation and Development.

Regarding the specific case of the Great Lakes region, Belgium has set up a Senate Committee on the situation in the Great Lakes and the illegal exploitation of the natural resources of the Democratic Republic of the Congo, which is investigating the problems related to the illegal exploitation of natural resources in that region. The work of that Commission is under way, and its members will soon be going to the Democratic Republic of the Congo and to Rwanda. The Commission's conclusions are expected by the end of the year. Along with the Security Council's conclusions on the report of Ambassador Kassem, they will enable Belgium to fine-tune its own plan of action.

In conclusion, we fervently hope that the Security Council will give in-depth consideration to this report and remain seized of these problems, as there is so much at stake for the Democratic Republic of the Congo and for the region as a whole.

We are therefore in favour of the recommendation of the expert panel that a monitoring body be created that could report to the Security Council on a regular basis about developments on the ground and make whatever recommendations it deems appropriate. Such a body should, inter alia, continue the group's investigative efforts and update the relevant lists of individuals and companies, once it has heard all those who wish to be heard. It seems to me that this should be done before more concrete measures are taken in this respect. The monitoring body should also take into account the new context created by the withdrawal of foreign troops from the Democratic Republic of the Congo and focus on those situations that continue to present obstacles to the return of peace and to the success of the inter-Congolese dialogue.

The President (*spoke in Chinese*): I thank the representative of Belgium for the kind words he addressed to me.

The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Gasana (Rwanda) (*spoke in French*): My Government warmly congratulates you, Sir, on your assumption of the presidency of the Security Council during the month of November 2002, and also for the acumen that you have always shown in guiding the work of the Council whenever you have presided over it. We wish also to congratulate your predecessor, Ambassador Martin Belinga-Eboutou, Permanent Representative of the sister Republic of Cameroon, for his outstanding leadership of the Council last month.

My delegation would like also to welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the sister Republic of Uganda.

You were wise, Sir, to convene this open debate of the Security Council on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

My Government would like to take this opportunity to reject entirely what is stated in the report with respect to the false accusations against Rwanda and the Rwandese people, as we stated in the written response of the Rwandese Government, transmitted officially in a letter addressed to the President of the Security Council dated 23 October 2002.

It was a tremendous shock for us to see it stated in the Panel's report that the Rwandese defence forces went to the Democratic Republic of the Congo merely for economic reasons. This is truly shocking and unacceptable. I myself was in the Government as Minister for Foreign Affairs in 1996, when we decided to commit troops to the Democratic Republic of the Congo. Therefore I know exactly why and in what circumstances we went there in 1996, and not before.

The ministries in Kigali, United Nations agencies and non-governmental organizations were passing around handmade maps of Rwanda, with bright red shading along the Rwandese provinces bordering on the Democratic Republic of the Congo, telling everyone in the international community never again to enter into any of the four provinces bordering the Democratic Republic of the Congo. This was because the former Rwandan Army (ex-FAR) forces and the Interahamwe militia were carrying out savage attacks, and innocent people were being murdered, including women, the elderly and children.

I remember that the last straw was the assassination by the ex-FAR and the Interahamwe militia of a woman who was the Mayor of one of the districts of Cyangugu province, which borders on the South Kivu province of the Democratic Republic of the

Congo. It was at that point that we decided to pursue them in the Democratic Republic of the Congo.

The second stage of our departure for the Democratic Republic of the Congo — which was motivated by security imperatives with respect to our country, our people, and foreign residents on Rwandese territory — was triggered by the massacre of young girls in a secondary school in Nyange, in Kibuye province, which borders on North Kivu province in the Democratic Republic of the Congo. The ex-FAR and Interahamwe attacked the school during the night. They ordered the girls to split up into two groups — Hutu and Tutsi — in order to spare the Hutu and massacre the Tutsi. But the Hutu girls refused to leave their Tutsi compatriots alone, so they were all shot on the spot by the ex-FAR and Interahamwe. Today those young girls have been declared national heroes in our country.

Another event that triggered the departure of our troops for the Democratic Republic of the Congo in pursuit of the genocidal rebels was, unfortunately, the assassination by the ex-FAR and Interahamwe of a Chinese expert who was working on the Kigali-Gitarama-Kibuye road — again in a province bordering the Democratic Republic of the Congo — in the context of a road-building programme financed by the World Bank.

The foreign community living in Kigali was an eyewitness to these events, if not their victim. How can the Panel of Experts now deny in its report the security concerns of Rwanda and of its people? How can we explain this revisionist attitude? It can only be manipulation and political motivations, the underlying reasons for which we do not know.

My Government would like to remind the members of the Council that in 1994 the ex-FAR and Interahamwe — the planners and perpetrators of the Rwandese genocide — after having massacred more than a million Rwandese, fled, taking all of their weapons, to the Democratic Republic of the Congo under the cover of a military operation — "Operation Turquoise" — which had set up its headquarters in the Democratic Republic of the Congo, in the cities of Goma and Bukavu.

The international community, which neither prevented nor put an end to the genocide in Rwanda, was not able to disarm the genocidal ex-FAR and Interahamwe, who took shelter in refugee camps in the Democratic Republic of the Congo. On the contrary, some members of what is called the international community continued, with the complicity of the then Kinshasa Government, to arm and provide political and financial support to the ex-FAR and Interahamwe — the authors of the genocide in Rwanda. That was proved clearly and unambiguously in the Kassem report — the report of the International Commission of Inquiry on the sale and flow of arms to the ex-FAR and Interahamwe in the Democratic Republic of the Congo — contained in document S/1998/1096. We do not understand how the second Kassem report can deny both the findings and the conclusions of the first. We cannot make sense of that contradiction, but it is very revealing: it shows that anything is possible when reports are the result of partisan political motives rather than of a firm will to resolve existing problems such as those that we have just described.

The ex-FAR and Interahamwe are present in great numbers in the Democratic Republic of the Congo, having taken with them a huge arsenal of weapons from Rwanda and having purchased new weapons with public funds stolen from Rwanda's commercial banks, including the Central Bank. Have they, perchance, been confused with the natural resources of the Democratic Republic of the Congo?

General Augustin Bizimungu, Chief of Staff of the ex-FAR forces; Colonel Renzaho Tharcisse, former mayor of Kigali; Major-General Ntiwiragaba, who recently participated in a joint meeting between the Congolese Armed Forces and the ex-FAR and Interahamwe at Lubumbashi, under the direction of President Kabila himself; Colonel Rwarakabije, Commander of the ex-FAR; Colonel Bigaruka; Colonel Gasake, who was a member of President Kabila's protection battalion; Major Mpiranyi Protais, former Commander of the presidential guard; and many others: do they constitute the coltan of the Democratic Republic of the Congo? Is it truly believed that pursuing those planners and authors of the genocide is the same as searching for coltan?

The Rwandan Government refutes categorically any allegation that it sent its army to exploit the mineral resources of the Democratic Republic of the Congo. Our army had a clear and precise mission: to combat the ex-FAR and Interahamwe so as to enable the people living in the four Rwandan provinces bordering the Democratic Republic of the Congo and elsewhere to enjoy peace and public order once again and to enable the members of the foreign community working in Rwanda to carry out

their development assistance activities in those provinces. We were successful, because our army never deviated from its primary mission. The exploitation of mineral wealth has never been a motivating factor for our armed forces.

The final report adds almost nothing new to earlier reports; it merely repeats unsubstantiated allegations that we refuted on 3 May 2001, after the first report was issued. The report is politically motivated. Those who promote the idea that there should be a Panel of Experts decided in advance, as is well known, that Rwanda should be a target.

The Panel of Experts finished its work on the ground four months before we withdrew from the Democratic Republic of the Congo, and it has not returned since our complete withdrawal on 5 October 2002. How, then, can it be in a position to write page after page of the final report claiming that our withdrawal from the Democratic Republic of the Congo was not complete? That fact alone discredits its claim to expertise — a true expert would avoid making statements about an issue about which he did not have all the facts and the truth of which he had not corroborated. Our complete withdrawal was supervised by the United Nations Organization Mission in the Democratic Republic of the Congo, the Joint Military Commission and members of the diplomatic corps accredited to Kigali, and was properly verified by the third-party verification mechanism.

We fear that reports such as the one before the Council today, which any informed analyst or reader would judge to be politically motivated, have a hidden agenda: to perpetuate the war between my country and the Democratic Republic of the Congo. You may recall, Mr. President, that the sceptics were not happy when the Pretoria Peace Agreements were signed between my Government and the Democratic Republic of the Congo, calling them unrealistic, too ambitious and a fool's game. President Kagame of Rwanda addressed the Security Council on 13 September 2002. Four days later, on 17 September 2002, our armed forces began to withdraw from the Democratic Republic of the Congo, as we promised the Council. But the Security Council remained silent during the entire period of our withdrawal, which was completed on 5 October 2002. Unfortunately, that silence encouraged President Kabila to organize a meeting in Lubumbashi bringing together once again the armed forces of the Congo, the ex-FAR and Interahamwe, the Mai-Mai and the Front for the Defence of Democracy of Burundi, so as to plan the attack on Uvira and other violations of the Lusaka and Pretoria Peace Agreements.

We are concerned, therefore, about the future of the Pretoria Agreements, especially given that President Kabila's main advisers are urging him to place obstacles in the way of their implementation, instead of encouraging respect for them and for their scrupulous and systematic implementation, as Rwanda has done by withdrawing all of its forces from the Democratic Republic of the Congo.

My Government believes that the report before the Council is biased, subjective and unprofessional, because it is not based on genuine and credible facts. Its authors make only unsubstantiated allegations. In order to fool the reader, they keep repeating that they have real and credible facts available to them, but they do not put them at the disposal of the reader to make the determination for himself. Why is that? The Minister for Foreign Affairs of our sister Republic of Uganda and the Permanent Representative of South Africa raised that point earlier, and asked why the Panel had refused to make available the documents in its possession so that Governments could verify their authenticity. They may have such documents, but that does not mean that they are authentic; forgeries exist, as is well known. My Government is therefore seriously concerned about the motivation that underlies the report and about the credibility of its authors.

Although it is clear to us that the intent is to undermine the Pretoria Agreements, my Government remains committed to the Pretoria and Lusaka Peace Agreements, and will do everything in its power to restore peace in the Democratic Republic of the Congo and in the Great Lakes region as a whole. My Government calls upon the international community, in particular the sceptical elements, to accept this, to set aside their national agendas and to help us to fully to restore peace in the Democratic Republic of the Congo.

Finally, my Government firmly opposes the Panel's idea that a so-called monitoring body should be established. Reading about how the Panel would define such a body and its functions, it becomes clear to us that the so-called monitoring body has no purpose. Such a body would, like the Panel, merely foment, rather than reduce, tension and conflict in the region, in particular because it would be vulnerable to competing influences and other forms of foreign manipulation.

Such a body would only paralyse the economies of countries in the region, make transborder trade difficult, if not impossible, and frustrate both business people and the population in the countries of the region. This agrees with the remarks made by the representative of Belgium with regard to the need for a normative approach.

Furthermore, such a body would merely criminalize trade in the region, whereas all regional countries want trade within a legal framework allowing free circulation of goods and people. In this region we have a precious tool available to ensure legal trade in the region, namely the Economic Community of the Great Lakes Countries, which the Panel did not even mention. It is comprised of Rwanda, Burundi and the Democratic Republic of the Congo. Instead of creating one more body, which is manifestly unnecessary, we should work on, rather, financing the revitalization of the Economic Community of the Great Lakes Countries. It dates back to 1970 and provides a common passport for the peoples of the three countries. In other words, a passport issued by the Congolese authorities is valid in the three countries of Rwanda, Burundi and the Democratic Republic of the Congo, and likewise for passports issued in Burundi and Rwanda.

There are also other reliable and independent competent bodies, such as the World Trade Organization and the World Bank Group, which have the capacity to carry out the tasks that the Panel wishes to entrust to what it refers to as a monitoring body. There are also regional organizations such as the Common Market for Eastern and Southern Africa, the Southern African Development Community, the Economic Community of the Great Lakes Countries, to which I have just referred, the Organization for Planning and Development of the Kagera River Basin, the East African Community, which the Minister for Foreign Affairs of Uganda mentioned, and the Economic Community of Central African States. All those existing and operational structures would contribute to stabilizing the situation and would fit in better with the regional integration system, which is one of the key objectives of our African Union.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Oman. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Hinai (Oman): Allow me, first, to extend my congratulations to you, Mr. President, on your assumption of the Presidency of the Council and to wish you well as you continue to lead the Council in the coming weeks. I would also like to thank Ambassador Belinga-Eboutou of Cameroon for the excellent manner in which he guided the Council's work last month.

We are meeting today to continue consideration of the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). My delegation has carefully read the report and listened attentively to Ambassador Mahmoud Kassem when he presented it to the Council on 24 October. My delegation does not wish to enter into the causes that led to the violent conflict and suffering of the past years in the Democratic Republic of the Congo. Suffice it to say that my delegation is encouraged that, since the signing of the Pretoria and Luanda Agreements, much progress has been made towards achieving peace in the Democratic Republic of the Congo. It is through peace that the Government of that country will once again be able to exert its authority over all of its territory, its natural resources and its economic activities.

As I turn to the report of the Panel, I will restrict my comments to those paragraphs pertaining to one company and its chairman. I cannot but express my delegation's strong concerns at the wrongful allegations, factual errors, hearsay and uncorroborated information propagated against Oryx Natural Resources, the most negative of which is that it is a front for the Zimbabwe Defence Forces.

Oryx Natural Resources (ONR) is a private limited company and derives its capital from Arab Gulf countries. Its chairman is an Omani national. ONR established a joint-venture company called Sengamines with the Government of the Democratic Republic of the Congo to explore and exploit a 792 square kilometre concession of land located within the Government-controlled area of the country. ONR is a 49 per cent shareholder in Sengamines, while the Government of the Democratic Republic of the Congo holds the remaining 51 per cent. To date, ONR has invested over $100 million in that joint venture. It employs 1,200 nationals and affects the lives of 100,000 people living in the concession area. In an area where there was no piped water, the nationals can now

get fresh water right at their doorstep. Where there were no schools, their children can now attend well-constructed schools, with books and uniforms supplied by the company. Where there were no medical facilities, the company has built clinics and is undertaking the refurbishing of a local hospital. Where there were no roads, more than 300 kilometres of roads have been constructed.

In short, Sengamines has created an infrastructure that has delivered significant benefits for the local community and has even won an award for being the pillar of the economy of Kasai Oriental. The benefits to the population were echoed in the statement to the Council on 24 October by Mr. She Okitundu, Foreign Minister of the Democratic Republic of the Congo, who said, "My delegation believes that the natural resources and other forms of wealth of the country must first and foremost benefit its people" (S/PV.4634, pg. 6). By the end of 2003, ONR plans to be producing a significant share of the world's supply of rough diamonds from the Sengamines concession in the Democratic Republic of the Congo.

Unfortunately, its success has brought upon it unfavourable, envious and malicious allegations from its competitors, who have been willing to go to any length to discredit and slander it. After 11 September, the mere imputation of an association with Osama Bin Laden and the Al Qaeda network has the effect of pronouncing a death sentence on the accused. A very reputable broadcasting company did just that. And after it was threatened with a lawsuit, it made an apology on its newscast. Other questionable sources have been the suppliers of wrongful allegations, which, unfortunately, made their way into the report now before the Council.

My delegation wishes to make the following observations. First, having studied the report of the Panel of Experts and its related documents, we could not find any proof to substantiate the allegations made against Oryx Natural Resources (ONR) and its chairman. Secondly, ONR, funded by private Gulf investors, and in joint venture with the Government of the Democratic Republic of the Congo, aims at contributing towards the economic and social development of that country.

Thirdly, we have not heard of any complaints against ONR and its chairman from the Government of the Democratic Republic of the Congo, neither in the statement delivered by its Minister of Foreign Affairs and International Cooperation, nor in documents submitted to this Council. Surely the Government of the Democratic Republic of the Congo is more competent than any body in determining whether a company operating in its area of jurisdiction is legitimate or not. In addition, ONR has received a letter of support and appreciation from the Government of the Democratic Republic of the Congo.

Fourthly, from what we were able to determine from representatives of countries neighbouring the Democratic Republic of the Congo, there were no serious complaints against ONR that would warrant its inclusion in this report. Fifthly, we fail to find any credible reason why this matter is before the Council in the first place. My delegation calls on the Council to protect and uphold the reputations of the companies and individuals mentioned in Annexes I and II of the report and to close forthwith this file so as not to undermine their legitimate achievements through these false accusations.

It is my delegation's hope that the Council will seriously take into consideration the grave concerns expressed by the delegations that have spoken before me and that the Council will take appropriate action to rectify the damaging and incorrect information contained in the report.

The President (*spoke in Chinese*): I thank the representative of Oman for his kind words addressed to me, and my country. The next speaker on my list is the representative of Zimbabwe whom I invite to take a seat at the Council table and to make his statement.

Mr. Muchetwa (Zimbabwe): We congratulate you for assuming presidency of the Security Council for this month and wish you well in your endeavours. We would also like to extend through you, our gratitude to your predecessor, Ambassador Belinga-Eboutou for the sterling work that he did in the Council during the past month.

My Government's comments on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146) are as follows:

The final report of the Panel Experts maintains the same approach as that of the Addendum to document S/2001/1372, issued on 13 November 2001. In its contribution to the United Nations Security

Council debate on that Addendum on 14 December 2001, the Government of Zimbabwe, through the Minister of Foreign Affairs, Mr. Mudenge, characterized the Addendum as a "hurriedly drawn Zimbabwe-bashing pamphlet". The final report is no different, in its intent, from the Addendum. Consequently, the observations and comments made on that occasion remain pertinent, even though the final report has shifted the focus of its attention from States to individuals operating the so-called elite networks.

The final report deliberately, for it cannot be otherwise, misdefined the nature and character of the conflict in the Democratic Republic of the Congo. By characterizing the conflict as regional in paragraph 12, the Panel detracts attention from the real causes of the conflict as well as its principal progenitors. Consequently, it now portrays the conflict as being no more than motivated by the greedy desire of African military and security leaders to loot, plunder and profiteer from the riches of Democratic Republic of the Congo.

Zimbabwe has, on innumerable occasions, including at the Security Council and in the presence of the members of the Panel of Experts, gone to great lengths to explain the basis of its involvement in the war of aggression perpetrated by Rwanda, Uganda and Burundi against the Democratic Republic of the Congo. For reasons best known by the Panel, these explanations including, as well, their recognition and acceptance by the Security Council as to the distinction in the character and purpose of the presence of allied troops and those of Rwanda and Uganda in the Democratic Republic of the Congo have not only been ignored but also questioned.

Speaking on this issue, the Minister of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, Mr. She Okitundu, as recently as October 24 this year, responding to this report, again stated clearly that the allied forces from Angola, Namibia and Zimbabwe, at the invitation of the Democratic Republic of the Congo helped them defend their sovereignty from being over run by the invading forces of Burundi, Rwanda and Uganda. He further stated that since the issuance of the Addendum and final report, there seems to be a desire to attack Zimbabwe for reasons that are well known. It is important to note that the victim of these illegal exploitative activities, the Democratic Republic of the Congo, is at pains to understand why the Panel is choosing to drag Zimbabwe into the cabal of the uninvited forces.

The final report repeats allegations that have been challenged and discounted in the past without offering any new evidence. For instance, in paragraph 23, there is the repetition of alleged Zimbabwe Defence Forces support for Burundi and Rwandan rebels; in paragraphs 17 and 54, the Panel alleges that the Democratic Republic of the Congo Government repaid Zimbabwe for military services and contributed to the salary payments for Zimbabwe Defence Forces personnel. Either the Panel mistakenly believes that repeating these falsehoods will somehow transform them into accepted truths or it is pursuing a certain agenda whose realization demands that the falsehoods should continue to be peddled in the public domain.

In paragraph 5, the Panel states that it "determined that a central focus of its work should be gathering information about politically and economically powerful groups involved in the exploitation activities ...".

It adds that "the Panel developed the central concept of the elite network ... as an operational thesis".

The report does not privilege us with information on why and on what basis it made such a determination, and how this thesis related to any or all of the components of its mandate. It appears that the Panel, contrary to the Security Council's mandate as reproduced in the final report in paragraph 1 (a-d), decided on a mandate of its own. This propensity towards revising the mandate set by the Security Council can be traced to the addendum of November 2001.

While the original Panel had painstakingly and meticulously defined the key concept of illegality in the mandate, the current Panel fudged the distinction between legal and illegal exploitation. For them, those activities amount to the same thing. Hence, the interchangeable use of the words "exploitation" and "illegal exploitation" throughout the final report.

The new paradigm or operational thesis shifts the focus of attention from the State to the individual. This, of course, fits in comfortably with the characterization of the conflict as a regional conflict perpetrated by individuals whose sole motive is greed and looting. But this paradigm has sinister motives as well. Apart from letting those States who are in violation of international law off the hook, it demeans the legitimate relations between Zimbabwe and the Democratic Republic of the

Congo. Not only does it suggest the privatization of State interests but it also reduces relations between the Democratic Republic of the Congo and Zimbabwe to the level of the so-called elite networks and the individuals allegedly involved therein. It thus criminalizes legitimate State-to-State relations between the Democratic Republic of the Congo and Zimbabwe and, by extension, legitimate activities carried out by duly appointed State representatives in the normal conduct and promotion of mutually beneficial relations between our two countries.

We have no apologies to make for the very close and co-operative relations that exist between Zimbabwe and the Democratic Republic of the Congo. These relations are being conducted in the framework of cooperation agreements signed between our two sovereign and independent States. If activities pursued under legal frameworks signed by sovereign Governments are considered illegal, then the Panel will have to come up with a new definition of legality. There is something fundamentally wrong with an approach that, on one hand, accepts that the Democratic Republic of the Congo is a sovereign and independent State whose affairs are being conducted and managed by a legitimate Government, and, on the other hand, questions the legality of the decisions and agreements taken and signed by that very same Government. The Panel betrays its schizophrenia about the legitimacy of the Government of the DRC; in many instances it refers to that Government in the accepted form but on occasion refers to it as the "Government in Kinshasa" (paragraph 23), an appellation we strongly objected to in December 2001. The Security Council, and indeed all of us, deserve an explanation from the Panel as to who it feels should sign agreements on behalf of the Democratic Republic of the Congo, if it criminalizes the legitimate actions undertaken by the duly appointed Government ministers of the Democratic Republic of the Congo in the conduct of their ministerial responsibilities.

In paragraph 27, the Panel makes a very outrageous and serious allegation that Harare has been turned into "a significant illicit diamond-trading centre" without providing the slightest evidence to support it. Members of the Security Council may wish to note that the regional headquarters of Interpol for Southern Africa is in Harare. This headquarters has been very active in combating criminal activities throughout our region and would certainly have been aware of the allegation being made by the Panel, as would the Zimbabwe Government. As will be indicated later, only one representative of the Panel, a part-time technical adviser, visited Harare in the course of the compilation of this report and there is no evidence that he visited Interpol or any organization that could have provided him with information to reach such a conclusion.

The character and nature of the joint ventures between Zimbabwe and the Democratic Republic of the Congo are misrepresented, as they are now reduced to mere vehicles for the activities of the so-called elite networks. This is in spite of the explanation given to the Security Council on 14 December 2001 by Minister Mudenge on the genesis and other attributes of the joint ventures. The final report's misrepresentations amount to questioning the veracity and credibility of the Minister's statement, purely on the basis of an operational thesis, for there is no evidence to conclude otherwise.

Trade and commercial relations between Zimbabwe and the Democratic Republic of the Congo are multifaceted and predate the 1998 war there. As with our relations with other countries, Zimbabwe is always endeavouring to reinforce and deepen its relations with the Democratic Republic of the Congo for the benefit of not only our two countries but also of the Southern African Development Community region and of the wider African continent. It is in this context that, following a meeting of the Joint Inter-Ministerial Commission involving Zimbabwe and the Democratic Republic of the Congo, held in Nyanga, Zimbabwe, from 18-22 August 2002, some eight agreements were signed between our two countries. These agreements encompass a wide range of areas of cooperation, including trade, investment, finance and the movement of persons.

We are dismayed at the continued use of the Panel's report to do a hatchet job on Zimbabwe. For instance, paragraph 28 makes a totally irrelevant and uncalled for reference to Zimbabwe's electoral laws. What do the electoral laws of Zimbabwe have to do with the illegal exploitation of the Democratic Republic of the Congo resources? Nothing at all. They are brought in here purely to sully the name of Zimbabwe and its Government. The British project to destabilize Zimbabwe has, in this report, sought to draw attention to our military and security establishments and institutions. The allegations of

criminal behaviour levelled against our military and security institutions, as well as some specific individuals connected thereto, are intended to bring these institutions and individuals into disrepute, ridicule and disrespect. We may wish to note that Patrick Smith, a British national and a part-time technical adviser to the Panel, is a signatory to this report, but Gilbert Barthe, a Swiss national with the same designation, is not. Gilbert Barthe, according to the records, has been with the Panel since at least February 2002. He contributed to and signed the May 2002 interim report. Patrick Smith was not mentioned in that report. Why did Barthe not sign the final report? What exactly was Patrick Smith's role in the compilation of the final report?

It is intriguing that none of the Panel members decided, for whatever reasons, to visit Zimbabwe in the course of compiling this report. What they did, however, was to send Patrick Smith, a British national, to Zimbabwe at a time of heightened suspicions and a much publicized conflict between Zimbabwe and Britain. This can only reflect lack of sensitivity on the Panel's part or insincerity in seeking our cooperation in providing the information sought. Is it by coincidence or by design that Mr. Smith met only with the British High Commission staff, out of all the many foreign State representatives in Harare? What expertise or privileged information, if any, did the British High Commission have in connection with this matter that other foreign State representatives in Harare did not have?

The Panel concludes that certain companies and individuals should be subject to some form of sanctioning as they are engaged in activities deserving of such sanctions. The Panel, however, proposes to treat these companies or individuals unequally on the basis of whether they are located in an Organisation for Economic Cooperation and Development (OECD) or non-OECD member country. Thus, the former group, the home countries, who happen to be European, are deemed competent to censure the erring companies, while the latter group is to be the subject of United Nations Security Council action. Why does the Panel provide for such unequal treatment for similar breaches? This stance smacks of a paternalistic, condescending and discriminatory attitude which has no place in the United Nations, where its Charter principle of the equality of States must not only be professed but must also be promoted and protected.

No information is given on how OECD remedies or measures compare to those of the United Nations Security Council. What assurances do we have that the concerned OECD countries will be able to ensure compliance with the guidelines this time around when it is evident that they have failed to do so in the past?

The final report grudgingly reveals the identity of those that are really behind the exploitation and illegal exploitation of the resources of the Democratic Republic of the Congo. These are the financiers and end-users of the exploitative activities, and they are based in Western countries. Attention, however, is not focused where it should rightly be; rather, it is diverted to insignificant players. Indeed, one may ask who ultimately really benefits from the exploitation of these resources? Who are the arms manufacturers and merchants?

Paragraph 43 of the report is illustrative of the exploitative and unfair business practices perpetrated by some western companies and multinationals in Africa since the colonial era. Those practices persist to this day. It illustrates who the real beneficiaries have been and are in the exploitation of African countries' resources. If the Panel is serious and sincere in wishing to promote "Ethical and transparent business practices", as stated in paragraph 156, so that the people of the Democratic Republic of the Congo genuinely benefit from the exploitation of their country's resources, then it would have paid greater attention to this nefarious practice, rather than dangling a red herring before the Security Council.

In paragraph 154, the Panel states that it "is hoping that this report will contribute to a shift in policies ... that will bring the exploitation of resources back to a legally acceptable level". One may ask, when last was exploitation at that level? Who defines that level? Who decides that that level is now legally acceptable?

On 14 December 2001, our Minister of Foreign Affairs, I. S. G. Mudenge, made a very important statement to the United Nations Security Council in a meeting which was also attended by the Panel members. It is disappointing to note that, though the clarifications he gave have not been reflected in the final report, we participated in that meeting with the expectation that we would be engaged in a meaningful dialogue with the Security Council and the Panel. It appears as if we were talking to ourselves, because we

see in the final report the repetition of innuendoes and allegations that we commented on last time without the submission of new evidence to justify their continued inclusion in this report.

The President (*spoke in Chinese*): I thank the representative of Zimbabwe for his kind words addressed to me.

The next speaker on my list is the representative of Canada, whom I invite to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada)(*spoke in French*): In recent years, Canada has placed a high priority on supporting the efforts of African countries to address the problems that confront Africa, including those relating to peace and security. This year, Canada, as Chair of the G-8, promoted dialogue between the G-8 and African partners who lead the implementation of the New Partnership for Africa's Development (NEPAD). Last June in Kananaskis, Canada, the G-8 leaders adopted an Africa Action Plan specifically designed to respond to the visionary programme of action contained in the NEPAD.

During Canada's recent term on the Security Council, from 1999 to the year 2000, we pioneered the effort to make sanctions more effective in helping to end armed conflicts, notably in Africa. In this context, we also actively supported establishing the original mandate of this Panel of Experts on the Illegal Exploitation of Natural Resources of the Democratic Republic of Congo, the report of which found that this activity was contributing significantly to the continuation of armed conflict in that country. Today we welcome the Panel's final report.

(*spoke in English*)

The Panel of Experts paints an unhappy picture of the destructive effects of unrestrained and illegal traffic in the natural resources of the Democratic Republic of the Congo, on its people and on its economy. The Panel is clearly of the view that there are many actors involved in this pillage, not least officials in the Government and military of the Democratic Republic of the Congo itself, but also foreign Governments and their armed forces, and private individuals and companies from many countries.

We have been encouraged by the progress made in the withdrawal of foreign military forces from the Democratic Republic of the Congo, in accordance with the Pretoria and Luanda agreements. This is a necessary first step in bringing an end to one of Africa's longest-running and most debilitating conflicts, which has devastated the lives of millions of people in that country and around it. No doubt the Panel's work contributed to this welcome development.

The Panel has made some very important and far-ranging recommendations designed to assist the peace process in the Democratic Republic of the Congo. Those recommendations deserve this Council's serious consideration. In one instance, however, we are disappointed that the Panel has done itself and the process, in our view, a disservice by naming in Annex III as violators of Organisation for Economic Co-operation and Development (OECD) Guidelines companies whose alleged violations, with a few exceptions, are neither specified nor substantiated in the body of the report. In Canada, this unsupported assertion has created controversy for the companies concerned and attracted attention away from the other valuable information and conclusions in the report.

One recommendation is of particular significance — the establishment of a monitoring process to follow up on the report and on its annexes. This body could provide a continuing point of contact, which could engage Governments and other actors, including private companies, in the implementation of its mandate. This recommendation also serves to remind us of the ongoing need for the establishment of a permanent body within the Secretariat to support the work of the teams of experts, act as a contact point for delegations and private companies and be the institutional memory of this Organization.

We urge the Council to take early action on the establishment of the follow-on monitoring mechanism and on other relevant recommendations of the Panel. Doing so will facilitate efforts to bring peace to the Democratic Republic of the Congo so that we all can move forward with full and unbiased information on the economic factors involved.

The President (*spoke in Chinese*): I shall now give the floor to Council members. I know that some of my colleagues have very important appointments today. If it is agreeable to members, it is my intention to suspend this meeting at 1 p.m. and to resume it at 3 p.m.

Mr. Levitte (France) (*spoke in French*): As this is our first formal meeting in November, I should like to express to you, Sir, France's wishes for every success

as you preside over the Council during this extremely important month for the future of the United Nations. I should like to add to those customary compliments a very particular tribute to the Permanent Representative of Cameroon, who presided over our work last month with effectiveness and distinction. In addition, it is a pleasure to see the Foreign Minister of Uganda, Mr. Wapakhabulo, here at this table once again.

The French delegation has listened attentively to the previous speakers. France initiated the creation of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo and on its link with the continuing conflict in that country. The objective was to put an end to such illegal exploitation, not only because the plundering is morally unacceptable, but also because today it constitutes one of the factors driving conflict in the Great Lakes region.

Two years after its creation, the Panel of Experts has kept its promises. It has carried out considerable work, having presented three substantive reports: that of Mrs. Ba-N'Daw, presented in April 2001 (S/2001/357); the addendum to that report, prepared by Ambassador Kassem last November (S/2001/1072); and the report that Mr. Kassem submitted last month (S/2002/1146). Those three studies form one whole. They enable us to approach the peace process from the perspective of economic interests. That aspect is not taken into account in the peace agreements signed by the parties, but it is obviously essential to bear it in mind if we are to put an end to the conflict. The plundering of the Congo has become one of the conflict's principal engines. And it is all the more important to take that into account because, as Ambassador Kassem explained, the plundering is being adapted to developments in the peace process. If we are not careful, it could ruin all the efforts of the various parties finally to restore peace to the Great Lakes region.

The picture that the Group of Experts has painted is worrisome. It implicates all the participants: the foreign, uninvited forces, in particular Rwanda and Uganda; certain invited forces, such as Zimbabwe; the Congolese rebels — the grave accusations against the Mouvement de liberation congolais (MLC) and the Rassemblement congolais pour la démocratie (RCD) in the earlier reports remain valid, if I am to believe what Ambassador Kassem explained to us — and finally, members of the Government of the Democratic Republic of the Congo.

The international community's message to those parties is extremely clear. The natural resources of the Democratic Republic of the Congo cannot and must not be used except to benefit the Congolese; no one has a right to illegally exploit them. In that regard, a distinction must be made among the various actors concerned. What is meant by "illegal exploitation"? Obviously, any exploitation is illegal that benefits entities other than the legal Government of the Democratic Republic of the Congo that are not acting within the framework of Congolese legal provisions. The pillaging carried out by members of foreign forces stationed in the Democratic Republic of the Congo or on their behalf by Congolese agents therefore falls into that category. Along with occupation of the territory of the Democratic Republic of the Congo — which the Council has consistently denounced — it constitutes a violation of Congolese sovereignty and thus of international law. It must cease immediately.

However, measures that the Congolese Government might take with regard to exploiting the country's resources are not inherently illegal. I recall that, for at least four years, the Congolese Government had to deal with conflict situations on its own territory. Illegal actions may have been taken that were motivated, for example, by a desire for personal enrichment. But those constitute a violation of domestic law and should therefore be punished and redressed by the Congolese authorities in respect for the domestic law of the Democratic Republic of the Congo. That distinction, I believe, is necessary and must be taken into account in any study of the linkage between the exploitation of the resources of the Democratic Republic of the Congo and the continuance of the conflict. The entire world recognizes the Democratic Republic of the Congo and its Government. No one intends to equate the legal, recognized Government with other actors in the conflict.

But that distinction should not prevent the Congolese Government from punishing misconduct that might occur when such practices are verified. In that regard, I believe that I reflect the opinions of all my colleagues on the Security Council in emphasizing that strengthening the rule of law and extending it throughout the territory of a reunified Congo are decisive steps in the fight against the plundering of the country's resources. That is one of the reasons why the Council supports the ongoing negotiations among Congolese parties. We hope that they will lead as

quickly as possible to an all-inclusive agreement on the transition.

We are not here today to judge anyone, but we want results. We want an end to the plundering of the Democratic Republic of the Congo and to the conflict that has torn the region apart. To begin with, there must be a dialogue among those who have been implicated by the Ba-N'Daw and Kassem reports and by the Panel's experts. Each of the parties has the right to respond and to have his or her views heard. It would be desirable for the Secretariat to publish, within a month, a technical addendum to Mr. Kassem's most recent report, taking up the elements that all the parties mentioned in the report wish to emphasize. For the most part, those parties have spoken this morning.

In this connection, there are reasons to welcome the positive approach of the Ugandan authorities, who have created the independent Porter Commission — to which the Minister referred at length this morning — to investigate incidents in which Ugandan officials are implicated. We await with interest the report which the Commission is to issue in a few days.

We also welcome the response of the Prosecutor of the Democratic Republic of the Congo, who last week initiated proceedings involving all the members of the Government named in the Kassem report. We invite the other parties concerned to adopt a similar approach. It is through dialogue and by examining evidence — with respect, of course, for the safety of the Panel's sources — that the truth will emerge. Each State implicated in the report is responsible for putting an end to the activities of its citizens or undertaken on its territory that are linked to the illegal exploitation of the resources of the Democratic Republic of the Congo.

The Council has before it a long list of recommendations, all of which are relevant and some of which are quite novel. The Council will meet next week to decide on follow-up action, particularly in the light of the statements we have heard today.

I believe, however, that two comments can be made right away. First, the Council must continue to hear periodic reports on this issue. The Council might create a monitoring body, as Mr. Kassem has recommended, or simply renew the Panel's mandate, but we must maintain our independent capacity of observation. I would add that the Experts' next report will provide us with a new assessment of the activities of those who were named in the previous report, in the light of indications they will have provided and of any developments noted by the Experts in the field.

Secondly, a reading of the Ba-N'Daw and Kassem reports should encourage us to reread reports written by other experts concerning other crises. It is disturbing to note a certain number of similarities. We note, for instance, that the same names of arms dealers and commodities traders recur again and again in all these reports. Three individuals identified by Mr. Kassem are also active elsewhere. Mr. Leonid Minim and Mr. Sanjivan Ruprah are also mentioned by the Liberia and Sierra Leone Panels. The name of Mr. Victor Bout also appears not only in the reports of the Liberia and Sierra Leone Panels, but also in the report of the Angola Panel and even in report of the follow-up group on Afghanistan, which mentions transactions between Mr. Bout, the Taliban and Al Qaeda. I emphasize that very important point. Mr. Minim, Mr. Ruprah and Mr. Bout are already the targets of Security Council sanctions. Their names appear on the list of persons subject to travel bans under resolution 1343 (2001) on Liberia. The very least that can be said, however, is that the restrictions do not seem to have hampered their activities in the Congo to any significant degree.

This being the case, we believe that the time has come once again to consider an approach that would enable us to compare these different types of information and the Council to adopt a coherent and effective line of action. We must put an end to the destabilizing activities of these international dealers throughout Africa and beyond. We must fully shoulder our responsibilities in this respect.

The Ba-N'Daw and Kassem reports are timely reminders that the undoubtedly positive developments in the peace process in the Democratic Republic of the Congo should not lead us to forget realities in the field. In addition to the progress made in the withdrawal of foreign forces, which we welcome, there are local conflicts, such as in Ituri, that are more or less manipulated and provoke genuine humanitarian catastrophes. Such conflicts have many causes, but they are all fuelled, as the Ba-N'Daw and Kassem reports show, by the ambition to control local natural resources. This issue is therefore more timely than ever and the success of the peace process depends on it. This is not the time to give up.

The President (*spoke in Chinese*): I thank the representative of France for his kind words addressed to China.

Mr. Strømmen (Norway): I congratulate you, Sir, on assuming the presidency of the Council. We wish you every success for the month of November.

Our thanks go to Ambassador Belinga-Eboutou of Cameroon for the way he steered us through the month of October.

Let me also wish a warm welcome to New York and the Security Council to the Foreign Minister of Uganda.

Norway welcomes the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. I thank Ambassador Kassem and the other members of the Panel for their most commendable efforts in this regard.

Despite the positive developments in the Great Lakes region over the past months, such as the Pretoria and Luanda peace accords and the rapid withdrawal of troops from the territory of the Democratic Republic of the Congo, the systematic exploitation of the natural resources of that country seems to continue unabated. According to the report, a large number of actors, Governments, individuals, armed groups and companies are in some way involved in the exploitation of natural resources. To the extent that an important motive for the continuation of the conflict is the exploitation of resources, as indicated by the Panel, there might be reason to question whether all parties to the conflict are negotiating in good faith. Norway urges all the parties to the conflict to prove that this is not the case by demonstrating that further results can be reached in the peace process without delay.

It is imperative that the recent progress made on the political level be translated into improved conditions on the ground, with increased security for the local populations, in particular in the eastern parts of the Democratic Republic of the Congo, including the Ituri region. Beyond the immediate short term, permanent Government structures must be established on the basis of an all-inclusive political dispensation in the Democratic Republic of the Congo, allowing for the natural resources to be utilized to the benefit of the local population in an equitable manner.

We share the view that the political resolution to the conflict in the Democratic Republic of the Congo, including progress in the inter-Congolese dialogue and the establishment of effective governing structures, is the main key to preventing the exploitation of natural resources. We agree with the Panel that

> "The main purpose should be to enable the legitimate transitional government to control the country's natural resources and borders without foreign intervention". (*S/2002/1146, para. 163*)

In this regard, we are encouraged by the latest news on the progress in the power-sharing talks between the parties to the inter-Congolese dialogue.

Norway would like to underline its support for the methodological approach that the Panel of Experts takes. We encourage the continuation of the use of panels of experts to assist the Security Council in its work. As is highlighted by the current discussion on the exploitation of natural resources in the Democratic Republic of the Congo, the Panel not only presents its findings and recommendations, but triggers useful discussions involving all relevant actors. It is our belief that this is a contribution towards finding good and sustainable solutions to the problems we are facing in the region.

The Secretary-General recently submitted the twelfth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2002/1180). In September, a special report on MONUC was submitted that included recommendations for strengthening MONUC's capacity, especially in the eastern part of the Democratic Republic of the Congo. Norway would have liked to see more cross-references between the current report of the Panel of Experts and the reports on MONUC. An analysis of the link between economic interests and security aspects would be useful.

The report recommends the creation of forceful incentives and disincentives in order to minimize illegal exploitation. Legal utilization benefiting the population at large should be encouraged. However, we agree that it is necessary to find measures to deal with the parties involved in illegal exploitation and their fears of losing revenue. Norway has noted with keen interest the various recommendations provided by the Panel of Experts. Those recommendations are put forward with the view to bringing to an end the illegal exploitation of natural resources and to breaking the link between the exploitation and the continuation of the conflict. The fact that the exploitation continues despite recent troop withdrawals is alarming, and the

Security Council must explore all possible avenues to bring the exploitation to an end. Norway will contribute to that objective in the Council's further deliberations by supporting concrete measures. As an absolute minimum, various institutional reforms call for Governments to ensure that companies and individuals under their jurisdiction observe agreed standards of the Organization for Economic Cooperation and Development, and a further monitoring process related to the exploitation activities must be agreed upon and put in place.

As we are all aware, some of the actors accused in the report — most notably, Rwanda, Uganda and Zimbabwe — have presented their comments and replies to the report. Most of the Panel's findings have been challenged, and we will probably see further discussion between the Panel and those parties. We have noted with interest that steps have been taken by the Government of the Democratic Republic of the Congo against one of the companies mentioned in the report.

Finally, Norway urges the parties to the conflict and to the peace process in the Democratic Republic of the Congo to maintain the momentum created over the past weeks and months. We believe that full commitment to the Peace Agreements and the inter-Congolese dialogue is vital in the search for a lasting solution to the conflict in the region and for ways to stop the illegal exploitation that is so obviously taking place.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): My delegation is pleased to see the People's Republic of China discharging the presidential duties of the Security Council. We are grateful to the delegation of Cameroon, and to the Ambassador of Cameroon for the excellent manner in which he carried out his duties as President in the previous month. My delegation also welcomes the Minister for Foreign Affairs of Uganda to this Chamber.

The Russian Federation expresses its gratitude to the Panel of Experts, headed by Ambassador Mahmoud Kassem, for the final report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. Today's discussion has shown that the report of the Panel of Exports has achieved important objectives. The response by States in the region and other interested countries has been lively and interested. Not all agree with the conclusions and recommendations of the report, including the Russian Federation. However, we must acknowledge that the problem exists and we must take adequate steps to resolve it. That has been borne out by statements made by the representatives of Uganda, South Africa, Denmark, France, Norway and other representatives. In that connection, we are not inclined to consider the report as an excuse to precipitously adopt measures or decisions, but rather to consider it as food for thought that requires further study.

The issue we are discussing today is directly linked to the protracted bloodshed that has been taking place in the Democratic Republic of the Congo for many years. Recently there have been encouraging indications of resolution of that conflict. However, we are concerned about the report's information on the scope of the plundering of natural resources in violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo.

We wish to draw particular attention to the conclusion of the Panel of Experts that armed groups in the country increasingly rely on control of budgetary resources, licensing fees, taxes on export products, custom duties on imports and State and local taxation generally. The result of such activities is the further plundering of the State, an increase in the number of refugees and internally displaced persons, human rights abuses and, ultimately, an extensive humanitarian crisis.

We are concerned about the criminalization of trade in Congolese resources, the lack of effective State control, the high level of violence and the militarization of certain regions of the Democratic Republic of the Congo. Uncontrolled access to especially valuable resources has been attracting increased interest on the part of criminal organizations. The consolidation of the illegal activities of criminal groups in pillaging the wealth of the Democratic Republic of the Congo are also threats to the economic and political stability of several neighbouring States.

At the same time, we have some questions about the recommendation of the Panel of Experts to introduce restrictions against the activities of individuals and organizations accused of the illegal export of natural resources from the Democratic Republic of the Congo. The delegation of Belgium even spoke of introducing sanctions against such individuals.

My delegation believes that combating economic crime falls, first and foremost, within the purview of States, not the Security Council. Moreover, only a court can determine which individuals or organizations

are truly guilty of illegal operations and should be prosecuted. The establishment of black lists by the Council would not guarantee an end to the illegal operations involving Congolese resources. However, it could give rise to serious legal problems, since, in the case of the plundering of the natural resources of the Democratic Republic of the Congo, it would be extremely difficult to prove that the activities of any type of commercial enterprise or individual pose a threat to international peace and security and, pursuant to Chapter VII of the Charter, the imposition of sanctions requires such a determination.

The Agreements achieved at Pretoria and Luanda, with the assistance of South Africa and Angola, establish the necessary preconditions for resolving the problem of the illegal exploitation of Congolese wealth. The ongoing and already completed withdrawal of foreign troops from the country is pulling the ground out from under the armed bands and criminal groups that for several years have been plundering their own State. The success of the inter-Congolese dialogue, the achievement of a comprehensive agreement on the establishment of a Transitional Government and the extension of its authority to the entire territory of the Democratic Republic of the Congo could be the turning point whereby the plundering of the natural resources of the Democratic Republic of the Congo would cease.

During this critical period, a more active role is being played by the international community, represented by the United Nations, its specialized agencies, international financial institutions, regional organizations and States that are interested in lending the Democratic Republic of the Congo support of all kinds, including at the financial and expert levels. The goals are: the implementation of programmes for the disarmament, demobilization and reintegration of former combatants; the restoration of the war-ravaged economy; the establishment of controls with respect to the use of natural resources; the strengthening of State bodies; the implementation of appropriate administrative procedures; an overview of economic activities related to the exploitation of natural resources; and a review of the legislation and the relevant agreements establishing control over the use of national resources.

Russia firmly believes that advocating a political settlement in the Democratic Republic of the Congo should remain a priority for the Security Council. We see this first and foremost as compliance by the Council with its Charter obligation to maintain international peace and security.

Let me briefly react to some of the comments that were made in this Chamber. In particular, I will touch on the remarks made by the delegation of Uganda, which said that the United Nations Mission in the Democratic Republic of the Congo should send military contingents to the area. That proposal has some validity, but the capacities of the Mission are extremely limited, because of the lack of security in the region as well as the limited number of military contingents there.

Nevertheless, the appeal by the Ugandan delegation reaffirms the timeliness of finalizing work on a Security Council resolution on the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo.

Furthermore, views were expressed here to the effect that the monitoring regime in the Democratic Republic of the Congo should be expanded, either by extending the mandate of the Panel of Experts or through the establishment of a new monitoring mechanism. We believe that this is a new issue that requires additional consideration by the Security Council. We cannot dissociate it from the situation that prevails in the region, that is, the situation with respect to the implementation of the Lusaka, Pretoria and Luanda agreements and to the withdrawal of foreign troops.

The current report has given rise to many questions and protestations on the part of a number of countries in the region. Here we would like to ask if the maintenance of the monitoring machinery at this time might not have an impact on the peace process. We need to discuss this, just as we need to discuss the proposal made here with regard to a more active involvement on the part of regional institutions and international financial institutions in the process of resolving the problems related to the illegal exploitation of the natural resources in the Democratic Republic of the Congo and of putting an end to such exploitation.

The President (*spoke in Chinese*): I thank the representative of the Russian Federation for the kind words he addressed to me.

The meeting was suspended at 1.10 p.m.

United Nations S/PV.4642 (Resumption 1)

Security Council

Fifty-seventh year

Provisional

4642nd meeting

Tuesday, 5 November 2002, 3 p.m.
New York

President:	Mr. Zhang Yishan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Strømmen
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Mahbubani
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo.

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-67656 (E)

The meeting resumed at 3.15 p.m.

The President (*spoke in Chinese*): I should like to inform the Council that I have received a letter from the representative of Angola in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Izata (Angola) took the seat reserved for her at the side of the Council Chamber.

Mr. Gokool (Mauritius): I would like first of all to congratulate you, Sir, on your assumption of the presidency of the Council for this month and to assure you of our support and cooperation. At the same time, I would like to congratulate Ambassador Belinga-Eboutou and his team on the manner in which they conducted the work of the Council last month.

I extend a warm welcome to the Minister for Foreign Affairs of Uganda, The Honourable James Wapakhabulo.

Today's public meeting provides an opportunity for all interested parties to comment freely on the contents of the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). As with all panels established by the United Nations, we expect a high degree of professionalism in terms of research and documentation, as well as assessments and conclusions based on concrete and verifiable evidence. We must all remember that when such panel reports are issued, they are immediately referred to as United Nations reports and become a reference tool for determining the credit-worthiness of countries. We have no doubt that that spirit inspired the members of the Panel.

We favour the "name and shame" approach, which in itself should represent a strong deterrent to illegal exploiters. At the same time, we must make sure that such an approach is based on irrefutable and concrete evidence. Since the publication of the report, many Governments, companies and individuals have disputed several important allegations made therein, calling them baseless, unfounded, politically motivated and unverified. It is certainly not helpful for Member States when the Panel makes assumptions and bases itself on perceptions when finalizing its report. As we all know, such assumptions and perceptions are not legally valid.

It is important that all information be fully verified and that countries named in the report have the opportunity to provide explanations. We note, for example, that paragraph 18 of the report makes reference to a joint Zimbabwe-Democratic Republic of the Congo company to be set up in Mauritius to disguise the continuing economic interests of the Zimbabwe Defence Forces in the Democratic Republic of the Congo. Unfortunately, no counter-checking or verification of that information was ever requested from Mauritius. Such shortcomings lead to the undesired conclusion that the report aims at sensationalism.

The Panel's report constitutes an important basis that will help in framing a comprehensive strategy to combat the illegal exploitation of the natural resources of the Democratic Republic of the Congo. It is now an internationally recognized fact that the natural resources of the Democratic Republic of the Congo are being plundered in the most brutal way and that the wealth of the country, instead of helping to enhance the well-being of the Congolese population, has got into the hands of unscrupulous exploiters. On a number of occasions, Mauritius has clearly stated that the natural resources of the Democratic Republic of the Congo belong to the Congolese people and not to anybody else. The vicious circle whereby the conflict is continued so as to better exploit the natural resources of the Democratic Republic of the Congo should, therefore, be broken. We deplore the current situation as described in the report and express our belief that the natural resources of the Democratic Republic of the Congo should be exploited legally so as to benefit that country and its people.

The report clearly points to the involvement of neighbouring countries, both at the national and the individual levels, in the illegal and illicit exploitation of the resources of the Democratic Republic of the Congo. Mauritius notes with concern that the plundering continues unabated, and it strongly condemns all of those illegal activities. We believe that the countries involved should take necessary measures

to cease such activities or, in cases where their nationals are involved, to carry out investigations with a view to apprehending those responsible. We take note of the work being done by the Porter Commission and look forward to its conclusions. We are ready to consider the setting up of a monitoring body to scrutinize the situation and to ensure that exploitation activities are significantly curbed.

The report recommends that the Security Council consider imposing certain restrictive measures on a selective number of business enterprises and individuals involved in the illicit exploitation of the natural resources of the Democratic Republic of the Congo. That recommendation can be implemented only after the respective Governments have been given enough time to respond to the allegations in the report or to take action against practices by companies in their respective countries.

We all acknowledge the fact that the peace process has reached quite an advanced stage. But it remains fragile, as was demonstrated by the recent fighting in the region of Uvira between the Rassemblement congolais pour la démocratie rebel group and local Mai-Mai militias. Any measure by the Council which would lead to a hardening of the positions of the parties to the conflict could seriously jeopardize progress in the peace process.

Mauritius believes, therefore, in a holistic approach to the resolution of the conflict and all related problems in the Democratic Republic of the Congo. We feel that full implementation of the Lusaka, Luanda and Pretoria Agreements will in itself result in curbing the illegal exploitation of natural resources. We also believe that a transitional government would be a major step in halting the illicit exploitation of the natural resources of the Democratic Republic of the Congo.

The countries of the region have an important role to play in achieving a comprehensive peace settlement. In this regard, we commend the Government of South Africa for its efforts in the search for peace and stability in the Democratic Republic of the Congo, as well as in the Great Lakes region. We also encourage the efforts made by other countries in the region towards that end. As we suggested in the September meeting, the Security Council should now seriously start thinking about how to deal with those who do not want a voluntary process of disarmament, demobilization, repatriation, resettlement and reintegration and those who are not signatories of the Lusaka Agreement.

The idea of convening an international conference on peace, security, democracy and sustainable development should be looked into when a post-conflict situation is reached. Such a conference can only be beneficial once peace has been established and when there is a strong Government in the Democratic Republic of the Congo that is able to exercise control throughout the Congolese territory. It is equally important to have thorough preparation before actually convening such a conference.

Finally, with respect to the trade in rough diamonds, Mauritius agrees that universal participation will make the Kimberly process a more effective instrument to prevent the illicit trade in this natural resource.

The President (*spoke in Chinese*): I thank the representative of Mauritius for his kind words.

Ms. Lee (Singapore): We, too, congratulate you, Mr. President, on assuming the presidency for this month and join colleagues in expressing our appreciation to Ambassador Belinga-Eboutou and his team for his presiding over the Council last month. We would also like to extend a warm welcome to the Foreign Minister of Uganda for his participation here today.

We join our colleagues in thanking Ambassador Kassem and the other members of the Panel for their very comprehensive and insightful report, contained in document S/2002/1146. Given the complexity of the problems stipulated in the Panel's new mandate and the very difficult conditions under which they had to work, we appreciate the determined manner in which they went about their work, as well as the candour of their report.

We are also impressed by the standards of proof adopted by the Panel and the fact that they "made every effort to fairly and objectively evaluate the information it has gathered", as stated in paragraph 8 of the report. The Panel's credibility has been given the acknowledgement it deserves by the Porter Commission, as cited in paragraph 136 of the report. My delegation is particularly impressed by the detailed findings by the Panel with regard to the elite networks that continue to exploit the resources of the Democratic

Republic of the Congo, even as foreign forces finally withdraw from the country. The information provided by the Panel is vital for a clearer understanding of the actual situation and will certainly play a key role in our decision on the next steps that need to be taken to stem "the plundering of the natural resources of the Democratic Republic of the Congo" (para. 1).

However, as the Security Council deliberates on this substantial report, we will also need to take into account the responses of the Governments, individuals and companies implicated in the report. It is no understatement to say that the report has stirred up a hornet's nest. As we have heard today, many of the parties implicated in the report have accused the Panel of failing to observe due process and of relying on flimsy evidence in arriving at its findings. The chairman of one such company, Oryx Natural Resources, visited Security Council members in New York last week, including our delegation, to make the case that his company was innocent. He also told us that the Panel had made no attempt to contact him or his company to check its facts prior to implicating his company in the report.

In our view, such responses to the report must be fully addressed so that no innocent party is inadvertently included among the guilty but the guilty parties are conclusively shown to be what they are. To achieve this, we must ensure that due process is observed. The Panel has quite wisely proposed a grace period of four to five months before a final decision is taken on the imposition of the financial and travel restrictions that it has recommended against the individuals and companies listed in Annexes I and II of the report. That grace period is needed to clear up any disputes that those named may have and, at the same time, provide the opportunity for the guilty parties to cease their illegal activities.

However, the Security Council does not have any mechanism to assist it, so as to ensure that the observance of due process and the necessary high evidentiary standards will be the final arbiters before we make our decision on the Panel's recommendations. We will take up this question again when the Council meets next week in informal consultations to discuss the outcome of today's debate. Here, I would like to add that we agree with the representative of France that our purpose should not be to point fingers at anyone but to stop the plundering and to find a way for the Democratic Republic of the Congo to move forward.

On the substance of the report, in general, we see the Panel's report as an important contribution to our efforts to stem the illegal outflow of the natural resources of the Democratic Republic of the Congo. Even as we wrestle with the problem of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, we must recognize that such exploitation is possible only when the parties involved know that they can get away with it. The Panel's description of this state of affairs was that of "a self-financing war economy centred on mineral exploitation", as aptly stated in paragraph 12 of the report.

A sustainable solution would require the development of a reasonably transparent economy and good governance in the areas exploited. A precondition for both would be peace and a Government that is clearly representative of, and committed to, the people of the country. Emphasis must, therefore, continue to be placed on the political dialogue process among the Congolese parties, so that such a Government can be established. To underpin stability in the Democratic Republic of the Congo and, indeed, throughout the Great Lakes region, countries in the region should develop a transparent regional trading system that would not only discourage the illicit movement of goods but also enable the countries to complement each other's economic strengths. It is to their credit that during the Security Council meeting two weeks ago on the subject of cooperation between the United Nations system and Central Africa, many African delegations emphasized the importance of regional economic cooperation as a cornerstone of the African continent's efforts.

In my delegations view, the international community should support the efforts of both the region and the Democratic Republic of the Congo to stop the pillaging of the natural resources of the country. Monitoring of the illegal exploitation should be maintained until the Government of the Democratic Republic of the Congo is able to exercise effective control over the areas concerned. We are, therefore, supportive of the Panel's recommendation in paragraph 186 of its report that the Security Council should look into the establishment of a monitoring body for that purpose.

And like our colleagues, we have also taken note that many of the criminal activities of the elite networks described by the Panel are related to the usual

suspects that we have encountered in other Panel reports. For example, at paragraph 72, 107 and 140 of the report, there is reference to the Victor Bout connection. We are also concerned that the Panel has uncovered smuggling of Angolan and Sierra Leone diamonds despite Security Council embargoes on those diamonds. Those references came from paragraph 52 of the report. We have previously pointed out that a mechanism must be established for the consistent monitoring of Security Council embargoes. Perhaps the time has come for the Security Council to also look into the establishment of a body for that purpose.

Finally, when one reads the Panel's findings regarding the fortunes that have been made and are still being made by the elite networks, and juxtaposes this with the statistics of the Office for the Coordination of Humanitarian Affairs (OCHA) on malnutrition and mortality rates of children below the age of five years, it is clear that non-action by the Security Council is not an option. We cannot fail the people of the Democratic Republic of the Congo.

The President (*spoke in Chinese*): I thank the representative of Singapore for her kind words addressed to me.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): We wish at the outset to congratulate you, Sir, on your assumption of the presidency of the Council for this month and to wish you all success in your work. We would also like to extend our thanks to your predecessor, Mr. Belinga-Eboutou, the Permanent Representative of Cameroon, for the excellent way in which he guided the work of the Council during his presidency last month. We would also like to greet the Minister for Foreign Affairs of Uganda, as well as Ambassador Mahmoud Kassem and other members of the Panel of Experts.

Our delegation has considered the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (*S/2002/1146*). The Government of the Syrian Arab Republic believes that it is vital to establish peace in the Great Lakes region, and in the Democratic Republic of the Congo in particular, through the implementation of all existing agreements, starting with the Lusaka Agreement and the Sun City, Pretoria and Luanda agreements.

In that regard, we call upon all the parties involved in the inter-Congolese dialogue and upon the neighbouring countries to speedily implement all those agreements. That would lead to prosperity for the region, put an end to the illegal exploitation of its resources and ensure the enjoyment by all citizens of the benefits of peace. After the complete withdrawal of all foreign forces and the halting of all military actions, a phase of reconstruction and the demobilization, disarmament and reintegration or repatriation of ex-combatants would begin.

We believe that the international community, the international financial institutions and donor countries should fulfil their commitments to help the region attain sustainable development and the objectives of the New Partnership for Africa's Development (NEPAD), by promoting the institutions of the Africa Union and supporting its programmes. In that regard, we commend South Africa and the United Republic of Tanzania for having facilitated the holding of various meetings and the achievement of several agreements. We also commend the representatives of the Secretary-General in the region and hail the important role played by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

Having considered the report of the Panel of Experts, we are a bit surprised by some of its contents and by its failure to secure irrefutable evidence before levelling blame and accusations against individuals and companies; indeed, this has been done even without prior contact with those individuals or with representatives of those companies. In addition, we reject conclusions volunteered by members of the Panel when such conclusions were not required or when they were based on reasoning that is difficult to understand. Here, we would like to note the report's political reference to a number of companies in Africa and in the Arab region. As far as we know, the report was not supposed to deal with the internal affairs of other African countries or with political aspects related to Arab countries. Therefore, we would like to express our dissatisfaction at the levelling of accusations and the description of some business people as members of international criminal organizations. Is that not somewhat exaggerated?

We also note that the report was based on information provided by informers, be they companies or competing traders. That affects the accuracy of the report and the credibility of the Panel of Experts. My delegation welcomed the efforts made by the Chairman and members of the Panel during the Security Council

mission to the Great Lakes region and subsequent in Council meetings. We understand the importance of the Panel's work and the importance of providing it with all the assistance it needs to collect documents that would support its conclusions.

We have also endorsed the idea that the Panel should meet with those mentioned in the report. But we feel that the Panel failed to make such contacts or to ask questions about the contents of a number of paragraphs relating to some major countries in the region and the relationship between those countries and some of the companies mentioned in the report.

Levelling accusations against Arab cities and countries such as Dubai and the United Arab Emirates in some paragraphs of the report was out of place and unacceptable. Our delegation believes that every accusation against Arab individuals named in the report can be answered and refuted, as the Permanent Representative of Oman said this morning. We confirm that these individuals and company representatives possess the documents needed to refute all the accusations levelled against them. They are entirely right to be dissatisfied, since the Panel neither contacted them nor gave them a chance to produce documents proving their innocence.

In annex I of its report the Panel lists the companies it recommends should be subject to financial restrictions; annex II lists individuals for whom the Panel recommends a travel ban and financial restrictions. This includes Arab, African and European business people. We believe that there is an urgent need to re-evaluate the entire contents of the report.

My delegation reaffirms its keen interest in revealing the whole truth behind the illegal exploitation of natural resources of the Democratic Republic of the Congo. However, we also reaffirm the importance of not undermining the reputation of individuals or companies or exaggerating certain incidents in the absence of the necessary irrefutable. The livelihoods of thousands of families depend on the activities of the accused business people and companies.

We reaffirm that all parties must be committed to the implementation of agreements recently reached, and to the implementation of the Lusaka Agreement. We reiterate that the only guarantee against the illegal exploitation of natural resources of the Democratic Republic of the Congo is continued efforts to establish a strong Government in that country that would ensure regulated, legitimate and sustainable exploitation of natural resources to the benefit of its people and of the region in general.

Yesterday, my delegation reaffirmed that informal consultations must be conducted to consider the report's recommendations and conclusions. At the same time, we reaffirm that we stand against any illegal exploitation of natural resources of the Democratic Republic of the Congo, and we reiterate the importance of taking the necessary measures to ensure that the natural resources of that country and throughout the African continent are used to benefit the continent's peoples, and that the illegal exploitation of wealth is brought to an end.

We reaffirm our keen interest in having the Council consider the report in an objective manner, and we support the idea that the Council should lay down very clear and specific guidelines with regard to the functions and work of any mechanism to be established by the Council in the future.

The President (*spoke in Chinese*): I thank the representative of the Syrian Arab Republic for the kind words he addressed to me.

Mr. Traoré (Guinea) (*spoke in French*): Let me first of all bid a warm welcome to the Minister for Foreign Affairs of Uganda and thank him for his important statement. I would also like to say how pleased I am to see you, Sir, presiding over the Council during November. We reaffirm that my delegation will continue its traditional cooperation. I would also like to commend the outstanding work done in the month of October by the delegation of Cameroon under the leadership of my brother, Ambassador Martin Belinga-Eboutou.

My delegation is grateful to Ambassador Kassem and the Panel of Experts for the quality of its report (*S/2002/1146*) on the illegal exploitation of natural resources and other wealth of the Democratic Republic of the Congo. The report establishes quite clearly the close link between the Great Lakes conflict and the exploitation of the resources of the Democratic Republic of the Congo, in violation of that country's territorial integrity and of international law.

The reports submitted by the Panel of Experts between April 2001 and October 2002 eloquently demonstrate our determination to put an end to the plundering of those resources and to find a lasting

solution to conflict throughout the region. The facts given in these reports have enabled us to cast light on the role of some and the intentions of others, which have unfortunately meant 3.5 million deaths and an ever disturbing humanitarian situation in the Democratic Republic of the Congo. With regard to the many consequences of the years of war, in all their various and complex dimensions, the Council must take the necessary steps with regard to those responsible for the plundering once their responsibility has been established.

With regard to our consideration of our reports of the Panel of Experts, my delegation would like to highlight some relevant aspects of its conclusions and recommendations. While we must welcome the official withdrawal of foreign troops from the territory of the Democratic Republic of the Congo, my delegation remains concerned over the continued presence of the ground of elite networks, with the goal of perpetuating the illegal exploitation of these resources in all its forms. That is why we support not merely verification that the withdrawal is genuine, but also an in-depth investigation of the elite networks.

My delegation agrees to establish a monitoring body for putting an end to the illegal exploitation of the resources of the Democratic Republic of the Congo. In that regard, priority should be given to Congolese expertise. To ease the humanitarian impact of planned measures and restrictions against companies and individuals involved in the plunder of resources, we agree that appropriate technical and financial assistance should be provided to Congo. Moreover, in its paragraph 155, the report indicates that an embargo or a moratorium banning the export of raw materials originating in the Democratic Republic of the Congo does not seem to be a viable means of helping to improve the situation in that country.

This approach, as we see it, is different from that suggested by the initial recommendations of the Panel of Experts. Are we to conclude that this is a new approach? My delegation would like some information in this regard. We endorse the interpretation of the Government of the Democratic Republic of the Congo with regard to the concept of invited and not-invited countries. That analysis is based on the sovereign right of every State. The Council should take it into account. Moreover, we agree with the recommendation in paragraph 157 that the establishment of a transitional government in Kinshasa should be accompanied by the disarmament of the rebel groups, the genuine withdrawal of foreign troops, the adoption of measures to curb illegal exploitation, and the application of serious multilateral pressures and incentives. The institutional reforms envisaged by the Panel of Experts are part of that approach and are aimed at restoring State authority throughout the country.

We welcome the significant progress in the multiparty negotiations on the formation of a transitional government in the Democratic Republic of the Congo, which would guarantee a promising future. Such progress will bolster the Pretoria and Luanda Agreements. Can the Group give us further information on the real nature of its collaboration with the Porter Commission in Uganda? We find this collaboration contradictory since it is called an "amiable working relationship" (*S/2002/1146, para. 132*) based on exchanges of information and evidence, whereas it is also stated that the Porter Commission doubts the credibility of the Panel's evidence.

In conclusion, my delegation would like to reiterate its support for the holding of an international conference on peace, security, democracy and sustainable development in the Great Lakes region. That initiative, which deserves the attention of all, should be a priority based on an integrated approach to the settlement of the ongoing conflict in the region.

The President (*spoke in Chinese*): I thank the representative of Guinea for the kind words he addressed to me.

Mr. Corr (Ireland): May I first extend the good wishes and full support of my delegation to you, Sir, as China assumes the presidency of the Security Council for this month. I would also like to thank very warmly the Permanent Representative of Cameroon and his colleagues for a presidency last month of skill and real achievement, which we appreciated very much. I would also like, on behalf of my delegation, to warmly welcome the Foreign Minister of Uganda to our meeting today. I thank him for his very comprehensive statement this morning. We look forward to the report of Judge Porter later this month.

I would like to thank you, Mr. President, for convening this public meeting of the Council to consider the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (*S/2002/1146*). I wish to express the warm

appreciation of Ireland to Ambassador Kassem and his colleagues for their report. This has been a difficult task very well done, and we are in their debt. The representative of Denmark has already made a statement on behalf of the European Union, and Ireland, of course, fully associates itself with that statement.

The Panel, in all its successive reports, has consistently and rightly taken the view that without a resolution of the broader conflict in the Democratic Republic of the Congo and the Great Lakes region generally, it will be extremely difficult to achieve an end to illegal exploitation of the natural resources of the Democratic Republic of the Congo.

The situation is more complex than simple cause and effect. Violence and conflict fuelled the illegal exploitation of resources of the Democratic Republic of the Congo by foreign Governments and armies; exploitation, in turn, became in itself a prime factor in further exacerbating conflict and violence. Today, this exploitation and greed remains a powerful force against the achievement of peace and stability in a tortured land whose people want peace and deserve justice as part of peace.

The Pretoria and Luanda Agreements, building on the Lusaka process, offer the best — indeed, the only — way forward to peace and stability in the Democratic Republic of the Congo. And yet, the progress achieved to date, while real, remains distinctly tenuous as recent violent clashes in the eastern and north-eastern parts of the Democratic Republic of the Congo graphically illustrate. The situation in Ituri remains especially grave. All parties to the Agreements have an absolute duty to use their full influence to end military activity by all armed groups and militias under, or susceptible to, their influence. All sides must work, especially in the context of the current Pretoria talks, for an inclusive political agreement in the framework of the inter-Congolese dialogue. All must cooperate fully and in every respect with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The process of disarmament, demobilization, rehabilitation and reintegration (DDRR) must proceed with no impediments. And we in the Security Council, as we prepare to review the mandate of MONUC in support of the Pretoria Agreement, must play our part.

The detailed findings in the Panel's report are shocking. Let me clearly say that Ireland finds the report compelling in its analysis and in its general conclusions. It names countries; it names individuals and companies; it points a clear finger against those who systematically plunder and rob the resources of the people of the Democratic Republic of the Congo. It is a frightening assessment of what happens when greed and rapaciousness spiral out of control and feast on the suffering and misfortune of others.

It is the judgement of the Panel that, welcome as recent troop withdrawals from the Democratic Republic of the Congo by Rwanda, Zimbabwe and Uganda may be,

> "these withdrawals are unlikely to alter the determination of Rwanda and Zimbabwe, and Ugandan individuals, to exercise economic control over portions of the Democratic Republic of the Congo". (*S/2002/1146, para.13*)

Moreover, the Panel alleges that the Uganda People's Defence Forces (UPDF) "continue to provoke ethnic conflict" (para. 14); that Rwanda has prepared for withdrawal by putting in place economic control mechanisms; that senior officers of the Zimbabwe Defence Forces (ZDF) have enriched themselves from mineral assets of the Democratic Republic of the Congo and that this pattern continues; that an elite network of Congolese and Zimbabwean political, military and commercial interests seeks to maintain its grip on main mineral resources of the Government-controlled areas.

There is no need here to elaborate on the detailed findings of the Panel. My delegation will, of course, carefully listen to the arguments put forward by Governments, companies or individuals against whom a clear finger is pointed.

What is important for all sides is to safeguard and strengthen the peace process. My delegation finds extremely persuasive the recommendations of the Panel to consolidate this progress by a set of agreements or initiatives on reconstruction and sustainable development to address the economic dimensions of the Lusaka peace process and to provide incentives for continuing progress.

We fully support the proposal for a first set of initiatives involving quick-disbursing aid for the Democratic Republic of the Congo and other Great

Lakes countries involved in the conflict. We strongly support, as others have today, the convening of an international conference on peace, security and sustainable development in the region. We agree on the urgent need for reconstructing and reforming the State institutions of the Democratic Republic of the Congo. We agree also that a comprehensive economic and social development programme in the eastern Democratic Republic of the Congo be set up to assist a transition to a legitimate civilian administration.

My delegation supports the proposal for a review by a special commission of all mining and forestry concessions and contracts signed since 1997. Ireland also agrees with the Panel that the Governments of the countries where the individuals, companies and financial institutions that are systematically and actively involved in exploitation activities are based should assume their share of responsibility.

The recommendations of the Panel are measured and carefully calibrated in support of peace but in adamant opposition to further theft of resources that belong to the people of the Democratic Republic of the Congo. It is stated in the report that there is

> "ample justification for donors to respond to a Security Council resolution — which might be necessary — which would propose certain reductions in official aid to promote peace and good governance". (*para. 171*)

The Panel recommends that measures should also be aimed at making aid disbursements to Burundi, Rwanda, Uganda and Zimbabwe conditional on their compliance with the relevant agreements in the Lusaka peace process and on verifiable measures taken to halt illegal exploitation of the resources of the Democratic Republic of the Congo. Non-compliance would automatically trigger a review and reduction of assistance programmes for those countries but, in the recommendation of the Panel, this should not cover sector-specific allocations. I should add that this latter caveat seems to my delegation a wise and appropriate one. It is the exploiters, not the innocent, who should feel the strength of international concern.

The Panel recommends that implementation of this proposal would proceed in three stages, beginning with a grace period to permit verification of the compliance of all the parties to the conflict. Overall, this is an especially sensitive proposal, and the Panel rightly presents it in that light. We will consider it carefully with other Council members, not least bearing in mind, on the one hand, the clear need for disincentives against non-compliance and, on the other, the need to also fully safeguard the interests of poor people dependent on development funding support.

The Panel also recommends that the Council consider imposing certain restrictions on a number of business enterprises and individuals named in the report, but with a short grace period of several months before the restrictions are applied. That is a proposal my delegation will also carefully assess in the period ahead. It will, of course, be important for any actions in respect of any company or individual to be based on due assessment of evidence.

We agree with the Panel recommendations on adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) guidelines.

As regards the need for a monitoring body to report to the Council, I can state that Ireland fully supports this proposal.

That Panel's report is detailed and well documented. The recommendations are measured and fair. As we move forward in our support for the achievement of peace in the Democratic Republic of the Congo and in the Great Lakes region generally, and in guarding against those forces that are undermining the peace, I would conclude by fully endorsing the underlying theme that runs through this report: justice and peace cannot rest on foundations of injustice and wrong.

The President (*spoke in Chinese*): I thank the representative of Ireland for the kind words he addressed to me.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): First of all, may I welcome His Excellency Mr. Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda.

Since I am taking the floor for the first time in a public meeting of the Council under your presidency, Sir, I would like to join previous speakers in reiterating to you my delegation's sincere congratulations and expressing Cameroon's great satisfaction at seeing China succeed us at the head of the Security Council. China is a great country and a reliable friend with which we have excellent and varied ties of friendship

and cooperation. I can pledge our full cooperation during your term of office, which I hope will be particularly fruitful. May I also express our gratitude to all those delegations that have spoken such kind words about Cameroon; I thank them for their encouragement and appreciation of our presidency of the Security Council for the month of October.

Two weeks ago, we were saying here, during a public meeting on Central Africa, that our region has enormous potential and immense soil and subsoil wealth. We went on to point out that, because of that wealth, it has unfortunately been the object of every kind of greed, becoming thereby the African region with the most conflicts.

One of the merits of the final report (S/2002/1146) of Ambassador Mahmoud Kassem and his team is that it points to one of the causes — if not the principal cause — of the conflict that the Democratic Republic of the Congo has endured for several years. In truth, one of the causes for the Congo's instability since its independence is that the Democratic Republic of the Congo is sick — sick from its mineral riches. It is their victim.

Beyond the responsibilities of certain parties, the Panel's report unquestionably establishes that the Democratic Republic of the Congo has been plundered and exploited like no other country, to the benefit of the many-sided conflict whose theatre it remains. The report — which was submitted for our consideration and attests to the effectiveness of the illegal exploitation of the natural resources of the Democratic Republic of the Congo by various parties to conflicts under way in the Great Lakes subregion — gives rise to the most serious concern on the part of my delegation. We express that concern both because of the context in which the report is issued and because of its conclusions, whose seriousness will affect peace-building in the subregion.

With regard to the context, the international community cannot fail to welcome the beginning of the withdrawal of foreign troops from the territory of the Democratic Republic of the Congo, which is being carried out in the interests of peace and to re-establish the sovereignty of the Congolese Government over all its territory. In that regard, Cameroon would like once again to welcome the progress achieved in such an important area. We remain confident in the attainment of that objective, each of the parties having affirmed their good faith and their commitment to bring it about.

On the domestic level, we are witnessing an acceleration of the inter-Congolese dialogue, whose conclusion would complete the Sun City process with the international community's resolute support.

Those positive and promising developments, if they take into useful account the conclusions of the report of the Panel of Experts, should be swiftly consolidated and should guarantee the durable restoration of peace and security to the Democratic Republic of the Congo and to the subregion.

In its positive and prescriptive dimension, the report encourages negotiation by the subregional actors of new economic trade and integration agreements, based on a new consensus that respects the sovereignty of all States. To that end, an international conference of the Great Lakes countries — which has been called for earnestly by the subregion's heads of State and which Cameroon has advocated since 1996 — could usefully serve as a political pillar for such an initiative and could enable us to break the vicious circle of the illegal exploitation of the natural resources of the Democratic Republic of the Congo and of the continuation of hostilities on the ground.

My delegation's view is that, beyond all the sensibilities that might be aroused by the report submitted to the Council by Ambassador Kassem, only the reconstruction of the Democratic Republic of the Congo, with its political, economic and social infrastructures, is at stake. The international community must therefore encourage and assist that country in order to enable it to re-establish its authority over all its territory and to fully enjoy the riches of its soil and subsoil, in the interests of its own people. In that context, the reorganization of the extraction and commercialization sectors of the mining sector in the Democratic Republic of the Congo will be essential for the realization of those objectives.

Moreover, the strengthening of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and of its military and logistical components should enable it to act to take better control over Congolese territory, in particular the north-east of the country, the theatre of recurrent hostilities. My country reaffirms its support for and hopes that MONUC's strengthening will take place quickly, in the spirit of the conclusions of the

Security Council's public meeting of 22 October 2002, devoted to relations between the United Nations and the States of the Economic Community of Central African States.

My delegation appeals to the countries of transit and destination of the natural wealth exploited illegally in the Democratic Republic of the Congo to finally take adequate measures to control and even, if necessary, to interdict such activities. In that context, the Kimberly Process related to the trade in conflict diamonds could, despite its drawbacks, be an excellent basis for work and reference. My country supports that Process and the Panel's recommendation to all States to cooperate fully.

Finally, in respect for Congolese sovereignty, Cameroon supports the recommendation of the Panel of Experts that the Security Council create a monitoring body charged with following up on activities related to the exploitation of natural resources in the Democratic Republic of the Congo.

The President (*spoke in Chinese*): I thank the representative of Cameroon for the kind words he addressed to me and to my country. I should also like to thank him for pledging to the Chinese delegation his full support and cooperation. My ability to succeed as President of the Council during November rests on the excellent groundwork laid in October.

Mr. Thomson (United Kingdom): Since this is our first opportunity to speak this month, I should like to join previous speakers in welcoming China's assumption of the presidency of the Security Council and to offer you, Sir, and your colleagues the full support of my delegation during this challenging month.

Like previous speakers, I should also like to thank the Permanent Representative of Cameroon and his delegation for their efforts during their presidency of the Council last month.

We are very pleased to see here today and to have heard the Deputy Prime Minister and Foreign Minister of Uganda. We thank him for making the effort to be present.

The Danish Ambassador delivered this morning a statement on behalf of the European Union and associated countries. The United Kingdom fully endorses that statement.

We welcome the Panel of Experts' report and appreciate all the hard work that has clearly gone into it. We look forward to continuing work on the detail of the report. On this occasion, I should like to be quite brief and to dwell on just a few of the main points.

Our priority — and, I think, our collective priority — is the need to ensure that the people of the Democratic Republic of the Congo benefit from the exploitation of the country's natural resources to aid development, peace and stability. We therefore urge all the parties named in the report to investigate seriously the allegations made and to respond fully to its recommendations.

My Government hopes that the Panel's Chair will nominate a spokesperson to respond to questions from organizations and individuals named in the report and its annexes. We would encourage the Panel to share information with Governments and companies named, to the extent possible without compromising source protection, so as to allow them to carry out full investigations and take any necessary action.

We have noted with concern that key parties identified in resource exploitation have also been named as being involved in supplying arms to foreign armed groups, in breach of their obligations as signatories to the Lusaka Ceasefire Agreement. We call again on all parties to stop supplying foreign armed groups in the Democratic Republic of the Congo.

We note the explicit connection that the report makes between resolving the issue of resource exploitation and the establishment of an agreed, fully inclusive transitional Government in the Democratic Republic of the Congo. We call on all parties to the inter-Congolese dialogue to renew their efforts to that end.

My Government welcomes the statement made by the Democratic Republic of the Congo's Public Prosecutor that he will investigate the report's findings. This response contradicts some other statements made by the Government of the Democratic Republic of the Congo rejecting the report's allegations against senior Government figures, so we hope that the Government of the Democratic Republic of the Congo will clarify its position and respond constructively to the report's recommendations.

The Government of Rwanda has issued a detailed response to the Panel's report and we heard the

Rwandan representative speak eloquently on the subject this morning. We call on the Government of Rwanda, in common with other parties named in the report, to respond constructively to the report's recommendations.

The Panel notes unconfirmed reports that some personnel of the Rwandese Patriotic Army remain in the Democratic Republic of the Congo. We understand that the Third Party Verification Mechanism (TPVM) and the United Nations Organization Mission in the Democratic Republic of the Congo have looked into such allegations and are satisfied that Rwandan withdrawal from the Democratic Republic of the Congo is complete. We call on both parties to implement their Pretoria commitments in full and with full transparency and we express our full support for the TPVM in carrying out its monitoring role.

The Ugandan Government responded publicly and in detail to the report this morning. We call on the Government of Uganda to respond constructively to the report's findings and we, like others, look forward to the findings of the Porter Commission. We welcome the Government of Uganda's statement that the Porter Commission has the judicial powers of the High Court and is independent of the executive.

Finally, we also call on the Zimbabwean Government to respond to the report's findings. We listened carefully to the representative of Zimbabwe's presentation this morning. The Council will need to consider very carefully all aspects of the Panel's report, including those relating to Zimbabwe.

The President (*spoke in Chinese*): I thank the representative of the United Kingdom for his kind words addressed to me.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): My delegation congratulates you, Sir, on your assumption of the presidency of the Security Council and offers you our highest commitment of cooperation with the Council as it carries out its tasks this month.

We also wish publicly to thank the Ambassador of Cameroon for his magnificent work at the helm of the Security Council in October.

We welcome the Minister for Foreign Affairs of Uganda to our meeting.

I wish to begin by stressing the great importance of the introduction of the report before the Council, which was undertaken, as proposed by the Chinese presidency of the Council, so that we may consider its contents together with the countries that are referred to in the recommendations and findings contained in the report and that have been involved with the Democratic Republic of the Congo in recent years. We believe that the report's topic is one of the key elements in the restoration of peace and security to the region and in the establishment of political stability in the Democratic Republic of the Congo, along with respect for the fundamental rights of the citizens of that country.

The peace process must be lasting. It is advancing thanks to progress made in recent months, most certainly including the political agreements that have led to the onset of the definitive withdrawal of foreign troops from the territory of the Democratic Republic of the Congo. We believe that, in the next phase, full sovereignty must be restored to the Congo over its natural resources. My country considers that to be an essential ingredient of economic development, peace and security in the region.

The natural resources with which the Democratic Republic of the Congo is generously endowed constitute fundamental attributes of that country's sovereignty and must serve, first and foremost, the economic and social development of Congolese citizens. They can also be an engine for the economic and social development of the region if they are rationally exploited by means of equitable and fair machinery that will benefit the Congolese and their African neighbours. In order to be able to achieve that objective, important far-reaching measures will have to be taken in the Democratic Republic of the Congo as well as in the neighbouring countries, which the international community must support.

The report prepared under Ambassador Mahmoud Kassem, which is before us today, is a very rich document that provides very important revelations and, therefore, is very controversial. My country believes that the Security Council is committed to giving timely follow-up to the recommendations of the Panel of Experts, evaluating them and assessing their applicability. In keeping with its responsibility, the Council must also ensure that the follow-up to the findings of this report will lead to full clarification of the criminal acts referred to in this report, and that can also lead to holding those involved in these possible criminal acts responsible for their actions. The

establishment of the rule of law is a main instrument for the exercise of the sovereignty by the Democratic Republic of the Congo over its natural resources.

The report describes the significance of the illegal exploitation of natural resources as an element that explains the nature of the conflict the Democratic Republic of the Congo is still experiencing and the size and magnitude of the challenges involved in confronting the basic causes and motives of that conflict in the search for lasting peace.

I believe that the report contains elements that should provide a standard for initiating investigations within the Democratic Republic of the Congo, as well as within the jurisdiction of the countries referred to in the report, particularly in Rwanda, Uganda and Zimbabwe. The Security Council must respond completely and impartially to the comments made by the authorities of those countries on the content of the report. Yet, it must also encourage those authorities so that the necessary investigations are carried out to provide clarification on the nature of the events described in the report and, when necessary, to clarify its veracity.

The conditions under which this report was prepared were not easy, and the Security Council should not disregard that fact. The difficulties of identifying sources to obtain the information to carry out the investigations within the limitations stemming from the nature of the work of this Working Group must be considered by the Council and must be a point of departure for fairly evaluating the work and effort achieved by the Panel of Experts.

My delegation believes that the recommendations made by the Experts must be discussed and analysed at length by the members of the Security Council in order to determine what measures are necessary so that we may agree on ones that may be appropriately applied. They are recommendations that respond to the protection of natural resources and the establishment of mechanisms that ensure their legitimate exploitation, as well as recommendations that relate to building the foundations of a just and lasting peace in the Democratic Republic of the Congo.

The Working Group must continue its work, and it must be founded to a certain degree on a mechanism to maintain monitoring in the new phases of regulation and control of natural resources, which, we hope, will be forthcoming. Sustained social and economic development, a mechanism of governance and entrenchment of the rule of law in the Democratic Republic of the Congo, under fully transparent conditions, and the effective fight against corruption — only these will guarantee that the Congolese will ultimately be the beneficiaries of the immense natural wealth bestowed on that nation.

My delegation must insist that the Council continue to be committed to the work proposed by the recommendations and findings of this report. We believe that dialogue, which the authorities of the Democratic Republic of the Congo and its neighbouring countries, cited many times in the report, must continue within the Working Group. This will provide the procedure that will enable us to achieve our objectives.

In conclusion, the report contains a description of the problem of the illegal exploitation of the natural resources of the Democratic Republic of the Congo that involves private, national and foreign companies and authorities of the Democratic Republic of the Congo and of other countries, as well as criminal organizations openly engaging in illegal activities. That complicated combination, described in the report, also speaks to us, the international community at large, of the need to make both neighbouring countries and countries distant from the Democratic Republic of the Congo responsible for establishing mechanisms to prosecute crimes, investigate them and to make justice and law prevail. We believe that the Democratic Republic of the Congo will not be able by itself to carry out the enormous task of re-establishing control over its natural resources if it does not have the strong support of the authorities of other countries and the international community as a whole. The Security Council must remain vigilant and ensure that this machinery for cooperation and these commitments are fulfilled.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): I wish at the outset to express our satisfaction at seeing you, Sir, presiding over this post and to wish the members of your delegation success throughout the month of November.

We would also like to thank Ambassador Martin Belinga-Eboutou and his team from the delegation of Cameroon for the important work they did last month.

The delegation of Colombia would like also to thank the Panel of Experts, chaired by Ambassador

Kassem, which has fulfilled its task of investigating the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. We have received from them a report on a complex and demanding topic, which has led to the submission of recommendations that should not be overlooked by the Council.

The accusations made against certain individuals and companies with respect to the illicit appropriation of the natural resources of the Democratic Republic of the Congo are causes of deep concern to our delegation because of the effects of this phenomenon on the Congolese people, the continuation of the armed conflict, and peace in Africa.

For that reason, we would like to thank the various countries mentioned in the report that have spoken at this meeting. They have given us an opportunity to hear their views concerning these accusations. Most particularly we would like to welcome the presence of and the statement made by the Minister for Foreign Affairs of Uganda.

The Council is accustomed to considering situations of conflict from the perspective of international security, including its political and humanitarian aspects. That may be why we were shocked to hear the experts' statement that the economic ambitions of certain elite networks established in various parts of the Democratic Republic of the Congo and connected to international criminal organizations offer the best explanation for the continuation of armed conflict in that country.

We know, of course, that in all wars there are always those, such as arms traffickers or unscrupulous bankers, who profit from the suffering of a large number of people. But if our understanding of the report is correct, in the case of the Congo, plundering has become the main reason for the continuation of the war.

We are even more concerned by the assertion that this criminal undertaking is being encouraged by economic agents located within the country, even following the withdrawal of the foreign troops that had been there.

For us, this assessment is a call to speedy and effective action on the part of the Security Council and, in keeping with the recommendations made in the report, my country would like to note three possible courses of action.

First, we must strengthen the institutional capacity of the Congolese State, because its weakness and, indeed, its absence in many parts of the country, particularly in the eastern provinces, have led the aforementioned elite networks — which have economic, political and military power — to fill the resulting vacuum by engaging in the acquisition of State enterprises and the collection of taxes and customs duties, inter alia. This is where the plundering begins, and it must be stopped.

Secondly, the other countries whose nationals and companies have been denounced by the Panel of Experts must be called on to take energetic action to investigate these accusations within a reasonable time frame. We believe that in this respect, legal action and the punishment of those responsible for the illicit exploitation of the resources of the Congo are factors that contribute to the peace process.

In the grey area between what is legal and what is illegal in situations of conflict, frequently we find companies that appear to be engaging in transactions that are legal, when, in fact, they are not legal at all, and often they are involved in a money-laundering system. In addition, the accusations contained in the report may contribute to efforts to do away with impunity, which will be a decisive factor if reconciliation in the Democratic Republic of the Congo is to take place.

The nationality of an individual or business cannot be used to evade responsibility for acts that the international community wishes to sanction.

Thirdly and lastly, my delegation believes that we should consider the recommendation of the experts that we draw up a list of individuals whose travel and access to financial markets should be restricted, as well as of companies or commercial enterprises whose financial access should also be restricted because of their participation in the illicit exploitation of the natural resources of the Democratic Republic of the Congo.

The function of the Council in the maintenance of international peace and security requires that once we have committed the efforts of the United Nations to the restoration of peace in areas of conflict, as we have done through the United Nations Organization Mission

in the Democratic Republic of the Congo (MONUC), then we must do our utmost to ensure that there will be a sustainable and lasting peace. In the case of the Congo, this means returning to its population and to its Government access to the resources that have been wrested from them by the war.

The President (*spoke in Chinese*): I thank the representative of Colombia for the kind words he addressed to me.

Mr. Tafrov (Bulgaria): I should like to extend to you, Sir, Bulgaria's heartfelt congratulations on China's assumption of the presidency of the Security Council for this month of November, which looks to be replete with challenges. I would like to assure you of the full cooperation of my delegation during the Chinese presidency.

I should like also to thank Ambassador Belinga-Eboutou and the delegation of Cameroon for their outstanding presidency in October. Ambassador Belinga-Eboutou was able successfully to carry out a very difficult task, and we are grateful to him.

I thank you also, Sir, for having convened this public meeting of the Security Council on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, which has led to a very important debate, enhanced by the presence of the Deputy Prime Minister and Minister for Foreign Affairs of Uganda, who made an important statement this morning. I would like to thank him for being so kind as to take part in our work.

Bulgaria welcomes the final report of the Panel of Experts, which offers a detailed and systematic analysis of a great deal of information and data on the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The Panel's experts, guided by Ambassador Kassem, must be commended for their courage and determination and for the rigorous methodology with which they carried out their work.

As a country associated with the European Union, Bulgaria fully associates itself with the statement made by the representative of Denmark on behalf of the European Union. I should like to add a few comments in my national capacity.

My country is deeply concerned at the relentless exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo and at the fact that this exploitation remains one of the key reasons for the conflict and for the insecurity that continues to prevail in the eastern part of the country.

It is true that the combat against illegal exploitation is not an easy task. In order to be effective, efforts to reduce and put an end to illegal trafficking should be undertaken in a concerted manner by the international community and by the countries of the Great Lakes region and other areas. We should note that the recommendations and conclusions contained in the final report are well founded, as we see it, and should be taken into account in future efforts of the Security Council to put an end to this practice.

My delegation supports the report's appeal to Governments that harbour individuals, companies and financial institutions that are actively involved in the exploitation to shoulder their responsibility by making detailed internal inquiries into the cases referred to in the final report and taking the necessary steps to ensure that such illegal practices are brought to an end.

My country agrees with the analysis of the European Union to the effect that it is important for Governments of countries members of the Organization for Economic Cooperation and Development (OECD) to encourage private enterprises to abide by OECD Guidelines for Multinational Enterprises.

Regional and subregional institutions, in particular the African Union, the Economic Community of Central African States and the Southern African Development Community should use their influence to persuade the parties concerned to put an end to the illegal exploitation of the Congolese resources.

Bulgaria shares the view that the complete withdrawal of all foreign forces, pursuant to the agreements signed, is an essential step in the process of ending the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Bulgaria remains fully committed to the principle of the sovereignty and territorial integrity of the Democratic Republic of the Congo. Other key steps include the disarmament, demobilization, repatriation, reintegration and resettlement of all rebel groups, as well as the conclusion of a more comprehensive and all-inclusive agreement among the Congolese with regard to political transition. In that respect, we welcome the progress achieved in the framework of the

discussions in Pretoria. My country hopes that the Congolese parties will continue to pursue that promising approach with a view to reaching an inclusive final agreement on political transition in the near future.

My delegation believes that in order to consolidate peace and security in the Great Lakes region in the long term, an international conference must be convened on peace, security, democracy and sustainable development in the region. In that connection, Bulgaria supports the recommendation of the Panel of Experts to convene such a conference. In-depth preparations should be undertaken in this respect, with the participation of the countries of the region and international actors, in particular the United Nations, the European Union, the African Union and the Bretton Woods institutions. The goal of such a conference should be to set out the steps that need to be taken to promote the economic recovery of that part of Africa and ensure a return to peace.

Bulgaria believes that it is essential to continue to follow closely the situation with regard to the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the link that exists between such exploitation and the continuation of the conflict, so as to put an end to such illegal exploitation. It must be said that the work of the Panel of Experts has proved useful, not only in shedding light on illegal practices, but also in helping to advance the peace process in the Democratic Republic of the Congo. We believe that the Security Council must preserve the monitoring capacity of the Panel so as to ensure that the illegal exploitation of Congolese resources is considerably reduced. In that regard, my delegation supports the recommendation of the Panel of Experts that a monitoring body be set up for the Great Lakes region. Other similar avenues could be explored, such as extending the mandate of the Panel of Experts.

The report of the Panel of Experts contains findings on individuals and companies referred to in earlier reports that have been implicated in other African conflicts. That is a further illustration of the fact that sometimes the same individuals and companies are involved in several trafficking activities on the African continent. This morning, Ambassador Levitte and others made some very interesting comments in this regard, and my delegation fully agrees with those analyses. Bulgaria believes that we should continue to consider this issue in the Council with a view to finding the best way to tackle these deplorable phenomena. The idea of creating an autonomous mechanism has been suggested, and Bulgaria agrees with that proposal.

In conclusion, I would like to emphasize my country's commitment to working tirelessly as a non-permanent member of the Security Council to put an end to the illegal exploitation of the resources of the Democratic Republic of the Congo so that the people of that country, who have suffered so greatly in recent years, might finally be able fully to benefit from the wealth of their country.

The President (*spoke in Chinese*): I thank the representative of Bulgaria for his kind words addressed to me.

Mr. Williamson (United States of America): The Security Council quite properly has devoted a great deal of time and attention to the war in the Democratic Republic of the Congo. The United Nations Organization Mission in the Democratic Republic of the Congo is among the most costly anywhere in the world. The terrible conflict continues to destabilize the Great Lakes region of Africa and the horrendous toll in human suffering is staggering. Millions of people have lost their lives as a result of that war, both those killed in violent clashes and those who have died due to the consequences of war — disease and famine. That bloody conflict has created millions of internally displaced people and refugees. As described in the Security Council last week by Office for the Coordination of Humanitarian Affairs Deputy Carolyn McAskie, the humanitarian suffering is staggering. It is agonizing. This conflict must end.

In that regard, we must continue to support the various political efforts to end the warfare, including the inter-Congolese dialogue, the Pretoria Agreement, the Luanda Agreement and any other efforts that might constructively contribute to the path to peace.

We must also be mindful of the various things that ignited this conflict and prolonged it. Refugee flows, ethnic hatred, regional insecurities and the lust for power and land are among the factors that have inflamed this terrible struggle that has imposed such a horrendous cost in terms of human lives lost and humanitarian suffering endured. Another significant reason why the conflict has gone on for so long and imposed such a terrible cost is greed — the quest for

money from the illegal exploitation of resources from the Congo.

In the light of this, the United States is especially pleased by this open meeting of the Security Council to discuss the report of Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). The independent Panel of Experts has produced a valuable and detailed report, outlining issues of key concern to the United States.

My delegation is still studying the report. We are listening closely to the comments being made on the report in the Council today by interested Governments. We intend to factor them into our conclusions on how to move forward. In that regard, I would like to share a few of my Government's initial thoughts on the report.

We congratulate Ambassador Kassem and the other members of the Panel for identifying those suspected of involvement in exploiting the Congo's natural resources — diamonds, copper and cobalt. It takes great courage to speak the truth to those in power. The Panel has done that. We commend it for that.

The report is convincing in the connection it makes between the money flows from the illegal exploitation and the continuation of the violence in the Great Lakes region. That illegal exploitation threatens to derail the progress achieved in the peace process. That cannot be allowed to happen.

Corruption thrives in darkness. It takes root behind doors closed to public inspection and media scrutiny. The naming of those involved and the description of how they work is, in and of itself, a valuable tool. It puts a spotlight on this corruption for the public to see. Where the public is free to express its outrage and concern, the Panel's report gives the public the tools to pressure Governments in the region to act to stop this looting. As an example of this, we note the extensive discussion of the report and its findings in the newspapers and other media in the Democratic Republic of the Congo. The Panel's conclusions and its naming of Government officials possibly involved in corruption achieved a primary goal: public scrutiny and debate.

This, in turn, has led the Attorney General of the Democratic Republic of the Congo to open investigations into each of the Government and military officials named in the report. It was certainly not an easy step for the Government to take. We commend the Government of the Democratic Republic of the Congo. We contrast its actions to the categorical denials of many other Governments whose officials are named in the report.

It is the responsibility of all those States whose officials, military leaders or business people are named to take action to fully address the allegations made. This responsibility is especially the burden of the Governments that the Panel has identified as having the most ties to those carrying out this exploitation: Rwanda, Uganda and Zimbabwe.

Where States have named special investigators or created special commissions, there must be a commitment to see those investigations to the end, no matter where the trail of corruption may lead. Uganda, for example, cannot assume that the creation of a Commission to investigate these allegations is enough. The Panel has pointed out the need for that Commission to have real authority to investigate, obtain evidence and follow up where the trails lead.

The responsibility of Governments to respond to the Panel's report does not fall just on the States in the region, however. The United States Government notes with concern that nine American companies have been identified in the Panel's report. The United States Government will look into the allegations against these companies and take appropriate action. We will not turn a blind eye to these activities. Also, the United States will continue to support work and to provide leadership to efforts to strengthen and to extend the Kimberly Process, intended to prevent African warlords from fuelling their conflicts through blood diamonds, including in the Democratic Republic of the Congo.

Yesterday and today, there are meetings in Interlaken, Switzerland, to approve new rules intended to ensure that diamonds will be certified as untainted. The goal is to prevent illicit diamonds from being used to pay for the weapons used in war throughout Africa, including the Democratic Republic of the Congo. The United States Government wants to see that legally binding rules for a diamond certification process are in place by 1 January.

We encourage all United Nations Members, whether named in the report or not, to respond to the report's findings by seeking ways to encourage transparent business practices that will benefit, first

and foremost, the people of the Democratic Republic of the Congo. We also encourage States to investigate and prosecute the illegal activities highlighted in the Panel's report and to cooperate with other States in such investigations.

My delegation believes regional organizations, such as the African Union, the East African Community and the Southern African Development Community, should use their influence to pressure the parties involved to end the patterns of exploitation.

The report of the Panel of Experts clearly demonstrates that further investigations are warranted, especially since the problems posed by illegal resource exploitation and unregulated weapon flows are found not only in the Democratic Republic of the Congo but also in a number of other States in Africa.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Angola. I invite her to take a seat at the Council table and to make her statement.

Mrs. Izata (Angola): First, allow me to congratulate you, Mr. President, on your assumption of the Presidency of the Security Council for the month of November and to express the support of my delegation in the arduous work ahead of us during this month, including the situation in Angola. Allow me also to congratulate the outgoing President, Ambassador Belinga-Eboutou of Cameroon, for the brilliant manner and dedication with which he conducted the proceedings of the Council during his mandate.

I am taking the floor to thank the Panel of Experts for its report on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). This is the fourth report on this matter, and the practical results have not met our expectations. As a consequence, a greater coordination of efforts is necessary to find clear solutions which may help to end the war in our sister Republic. The illegal exploitation of resources and the politico-military situation in the Democratic Republic of the Congo are a matter of concern for Angola, which has a border of approximately 2,000 kilometres with that country. Therefore, it is important for Angola to support measures to end that exploitation, which hinders the political, economic and social development of the Democratic Republic of the Congo.

Let me stress that the report does not include Angola among the countries illegally extracting natural resources from the Democratic Republic of the Congo. That confirms the statements frequently repeated by my Government.

The report brings to our attention increasing activities of traffic networks, allegedly supported by the members of some Governments. Those activities endanger the peace and national reconciliation process now under way in the Democratic Republic of the Congo.

Angola is of the view that all activities must be directed to help the peace process and the efforts of the international community, particularly those of my country, in order that the natural resources of the Democratic Republic of the Congo are used to improve the situation of the whole country and not to enrich a few individuals.

It is well known that Angolan and allied forces went to the Democratic Republic of the Congo at the invitation of its Government, without any benefit or material compensation, to help that country face a difficult situation. That was reiterated once again in the speech by Mr. Léonard She Okitundu, Minister for Foreign Affairs and Cooperation of the Democratic Republic of the Congo, when the report was presented. We are encouraged by that statement, and we also take good note of the decision of the Public Prosecutor of the Democratic Republic of the Congo to open a judiciary investigation on that country's nationals who are named in the report, showing that country's willingness to take the recommendations of the report seriously.

The October 2002 communiqué by the allied Heads of State exalted the role played by the alliance against non-invited forces. Therefore, as stated by the Democratic Republic of the Congo, the legal status of forces invited by the Government of the Democratic Republic of the Congo to its territory should not be confused with the activities of forces of countries that have not been invited, and which are undertaking illegal activities there.

The Democratic Republic of the Congo is a sovereign and independent country. Its Government is recognized by the international community. It has the right to sign agreements with other States in conformity with national and international laws. No one else, in our opinion, has the right to rule over the

Congolese Government and people or to dictate how they should act. It is up to the Government and the people of the Democratic Republic of the Congo to determine their own destiny and to decide who their allies and friends will be, as well as the forms of their cooperation with those allies.

As is well known, the Republic of Angola has already withdrawn its forces from the territory of the Democratic Republic of the Congo. This decision was taken jointly, in a responsible manner and in the interest of the Democratic Republic of the Congo, in order to facilitate the pacification of that country.

As a sovereign State, Angola will always honour its commitments because it acknowledges the importance of peace, stability and development, not only for the Democratic Republic of the Congo but also for the Great Lakes region and all of Southern Africa.

We call for the withdrawal of uninvited forces from the territory of that country, respect for the Security Council resolutions and of the Lusaka Agreement, as well as the fulfilment of the commitments reached in Pretoria and Luanda, including the inter-Congolese dialogue. This is the course that will enable us to resolve the present crisis of the Democratic Republic of the Congo.

Angola will continue to work and coordinate its actions with the legitimate Government of the Democratic Republic of the Congo and with the peaceful forces. Our goal is to bring the peace process of that country to completion as soon as possible. We will support all measures along that path.

The President (*spoke in Chinese*): I thank the representative of Angola for the kind words addressed to me.

I will now make a statement in my capacity as the representative of China. I thank Mr. Kassem and the Panel of Experts for their efforts in completing their final report. I also wish to welcome the presence of Mr. James Wapakhabulo, Deputy Prime Minister and Minister for Foreign Affairs of Uganda.

My country has always held the view that the illegal exploitation of the natural resources of the Democratic Republic of the Congo violates the sovereignty and territorial integrity of that country, while exacerbating the conflict throughout the entire Great Lakes region. Such activities are unacceptable and must immediately cease.

Mr. Kassem and members of the Panel of Experts carried out extensive investigations, providing a lot of specific material to the Council. We are sincerely grateful for their efforts. However we should, at the same time, see that the illegal exploitation of the natural resources of that country is a complex issue linked to such questions as the withdrawal of foreign troops and the disarmament demobilization, reintegration and rehabilitation programmes (DDRR). As such, the Panel calls for a comprehensive and integrated solution. We are gratified to learn that the withdrawal of foreign forces and the DDRR programmes are now under way, and that the inter-Congolese political dialogue is yielding results.

Progress in the peace process in the Democratic Republic of the Congo will help solve the question of illegal exploitation. We hope that, with the assistance of the international community, the Government of the Democratic Republic of the Congo will soon exercise control over the natural resources throughout its territory.

As demonstrated in the statements made today, there are divergent views over the contents of the report, including the recommendations contained therein. I wish to take this opportunity to point out that the report alleges that there are Chinese companies engaged in the illegal exploitation. We have carried out careful investigation but found nothing that would justify those allegations. We believe that, in discussing such questions, the Security Council should distinguish between illegal exploitation and day-to-day economic and trade exchanges, so as to avoid negative impact on the economic development of the Democratic Republic of the Congo and the livelihood of its people. Also, the views of that country and others concerned should be carefully listened to.

I now resume my function as the president of the Council. I now give the floor to Mr. Kassem to respond to questions and comments made.

Mr. Kassem: Let me first say that it is with great pleasure and honour that I have been invited to address members of this Council and the Ministers and Ambassadors of Member States, whose presence today signals the commitment of the Council to ending the violent conflict that has ravaged the Democratic Republic of the Congo for four years.

If you permit me, I would like to begin by thanking last month's president of the Council,

Ambassador Belinga-Eboutou, for his assistance in organizing the previous presentation in October of the Panel of Expert's fifth report. I would also like to express my gratitude to the current President of the Council, Ambassador Wang Yingfan, for his assistance in arranging today's meeting on the report and the consultations that will follow. On behalf of the Panel, I would also like to express our sincere thanks to all Council members for the valuable support and assistance they have provided us with during our current mandate and the attention they have continued to devote to the issue of the illegal exploitation and its links to armed conflict.

I have closely listened to both the negative and positive remarks made during this afternoon's meeting. After careful consideration, I am convinced that the answers to most of these remarks can be found in sufficient detail in the Panel's report. I shall therefore confine myself to commenting on only some of the remarks, namely those by Rwanda, South Africa, Zimbabwe, Syria, in particular with respect to the role of companies. As for Uganda, the Panel is awaiting the report of the Uganda Judicial Commission of Inquiry, which is expected to be published after 15 November this year. A detailed response to the Commission's report will be prepared and presented to the Security Council by the Panel.

Let me first begin with Rwanda. In its reaction to the Panel of Expert's most recent report, the fifth since 2000, the Rwandan Government appears, in its statement of 24 October and its letter dated 28 October (*S/2002/1207*), to have either overlooked some elements of the Panel's work or misconstrued some of its findings. The Panel would like to emphasize the continuity of its work over the course of the two years of its mandate. Its reports should not be read or interpreted in a piecemeal fashion. They should be understood as an integrated body of investigative work, which reflects the evolution of the situation on the ground in the Democratic Republic of the Congo, particularly the eastern part, where most armed confrontations have taken place over the past two years.

The Rwandan Government alleged that the Panel has ignored the historical background of the conflict and the economic relations in the region. In its Addendum (S/2001/1072), dated 13 November 2001, the Panel of Experts validated Rwanda's claims. The security threats involving forces implicated in the 1994 genocide had contributed to the outbreak of the current conflict. In the Addendum, the Panel also made reference to traditional trading patterns that have linked the economy of the eastern Democratic Republic of the Congo to those of Rwanda and other neighbouring States in the Great Lakes region. These patterns, however, have never included cross-border trade in large volumes of coltan as has been the case since early in this conflict.

The Panel's findings are indicative of the changing nature of this conflict, including the role played by the remnants of the original ex-Rwandan Armed Forces (ex-FAR) and Interahamwe. The economic, social and political forces that shaped and are shaped by this conflict are dynamic, not static. The day-to-day situation on the ground is volatile and has been manipulated or misunderstood by many parties, clouding the peace process.

The Panel's most recent investigations indicate that the Rwandan Hutu armed groups in the Democratic Republic of the Congo no longer represent the security threat that they did four to five years ago. This investigation also revealed, unsurprisingly, that shared economic interests and survival needs can encourage one-time enemies to collaborate. This would not be the first war, nor is it likely to be the last, in which this occurs.

The Panel has repeatedly underscored in its reports the need for an effective solution to the proliferation of armed groups, Congolese as well as foreign, in the Democratic Republic of the Congo. It has also called for the implementation of the disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) programme that can respond to the complexities of the situation of the armed groups and take into account the many overlapping conflicts of which they are a part.

As for South Africa, the expert Panel is surprised, really surprised, by the reaction of the South African Government, which could be construed as that of a Government that has directly implicated by the Panel in the economic exploitation. The Panel did not imply that the South African Government or any South African official has been directly involved in this conflict, linked to commercial activities. The Panel is simply perplexed by the South African Government's disappointment in the Panel's conclusions and recommendations, which the Panel believes are

balanced, oriented towards promoting lasting peace and consistent with the new goals of the New Partnership for African Development.

Coming to Zimbabwe, there are several points that need to be re-emphasized in terms of the Panel's investigations and findings on the involvement of Zimbabwean parties in the exploitation activities, in collusion with others. As has been the case for other foreign armies, one only needs to look at the areas where the Zimbabwean troops have been deployed to realize how their deployment has strategically corresponded with the location of the concessions that they benefit from. Areas of military influence have closely overlapped areas of economic control. Zimbabwe's support to the Burundian Forces for the Defense of Democracy (FDD), which is described in the Panel's Addendum November 2001, provides a clear example of how this country actively continued to take steps to prolong the conflict. Virtually all the members of the network that has operated in the area controlled by the Kinshasa Government, including the Zimbabwean officials, have either had direct military roles in the conflict or have strong links to military and security services. Most of the foreign private businessmen that have been brought into the joint venture, primarily by the Zimbabwean parties, are investors in or are associated with companies providing military supplies and services.

According to testimony and documentation guarded by the Panel, various Zimbabwean network members and many of their corporate business partners in the Democratic Republic of the Congo, are implicated in the following: First, actively seeking military procurement contracts and brokering sales of military equipment and arms through high-level contacts. Secondly, violating European Union sanctions by facilitating the sale of military equipment from European companies to the Zimbabwean Government. Thirdly, negotiating clandestine arms purchases with foreign arms manufacturers. Fourthly, smuggling of commodities such as diamonds from other conflict zones. Fifthly, forcibly displacing populations and or seizing lands from areas where precious mineral deposits are located.

Since the Government of Zimbabwe still steadfastly maintains its position regarding the legality of its contracts and concessions with the Democratic Republic of the Congo Government, then it should be the first to welcome a review of its economic and financial activities in the Democratic Republic of the Congo. The re-examination of these agreements, with the collaboration of third parties, in a transparent manner, and in accordance with the resolution adopted in the Inter-Congolese Dialogue Conference in South Africa, would reconfirm their status. This would enable both Zimbabwe and the Democratic Republic of the Congo to engage, without any suspicion or obstacle, in sound and sustainable commercial relations under fair market terms, something that would unarguably be beneficial to both the Congolese and the Zimbabwean people.

As regards the letter of the Zimbabwean Permanent Representative to the United Nations, dated 17 October 2002, and addressed to the Security Council, which refers to a document mentioned in the Panel's report, I can only offer the following comments: the Panel deplores the language used by His Excellency in his letter. Above all, with regard to the Security Council, references such as "party to the conspiracy against my country", are not worthy of distinguished delegates or dignified Member States. These excesses are regrettable and only distract from a debate on the substantive issues. The subject of the Permanent Representative's letter is a specific document mentioned in the Panel's report. Unfortunately for His Excellency, information contained within this particular document has been corroborated by independent sources and several other documents obtained from additional sources; otherwise the Panel would not have made reference to it in its report.

Alluding to the integrity of the United Nations, His Excellency questions why the Panel did not attempt to verify the document with the Government or the Permanent Mission of Zimbabwe. The Panel would have sincerely welcomed an opportunity to exchange views with the Zimbabwean Government. The Panel's efforts since 3 April 2002 to engage the Zimbabwean Government in a dialogue on how to control illicit trade flows of commodities of the Democratic Republic of the Congo and related issues have to date yielded no results. On three occasions between April and July, the Panel contacted the Zimbabwean Government, including through its Permanent Mission to the United Nations, requesting a response to its questions. The Panel even offered the Zimbabwean Government the option of meeting with members in Harare. It never, ever, received a response.

The document referred to in the Ambassador's letter was actually initially addressed to the Office of the Spokesman for the Secretary-General, an unlikely point for any Member State — or so-called covert agent — to launch a campaign of "grotesque and malicious interference" (S/2002/1169) against another Member State. He mentioned a certain person. He asks who this "Mr. Taylor" is. Ms. Taylor is one of the Political Officers who assist the Panel in its work. As a Political Officer, she often serves as a contact point, and is supposed to receive documents and correspondence on a daily basis, which are to be transmitted to the Panel and its Chairman. The Panel has full confidence in her integrity.

The Panel is confident that it has produced a detailed, rigorous and well documented report which sheds light on many actors implicated in economic exploitation, as well as in the violence and conflict that the competition for economic control continues to incite. The Panel based its findings on insider information and documentary evidence. If the Council so desires, samples of the evidence can be shown to its members.

I will now turn to the role of companies. The Panel's report indicates that certain companies have dealings with the elite network that represents the economic interests of those who have been the occupying Powers, Rwanda and Uganda, the allies of the Democratic Republic of the Congo, such as Zimbabwe, members of the Government of the Democratic Republic of the Congo itself and members of the foreign and Congolese armed groups. Those parties to the conflict are involved in the business of making war, and they are increasingly also in the business of making vast amounts of money from war, while sustaining armed conflict as long as possible. The ability to move commodities and funds between illicit sources and legitimate markets is crucial to the vicious cycle of war and plunder. Legitimate companies are important to the parties involved in this conflict. That is the reason for the Panel's concern about companies operating within the conflict areas in the Democratic Republic of the Congo.

War economies in different areas of the world have spawned hundreds of companies that would not exist were it not for the business of war and corruption. Some of them are facades for elite networks operating in this and in other conflict zones. Others are simply willing to assume the higher risks of operating in conflict areas, where opportunities are plentiful due to the lack of regulation that accompanies war and armed conflict. Some of these companies operate illegally; but many others, however, are technically not in violation of the law, quite simply because laws are not enforced. Yet the actions of these companies are often in contravention of United Nations sanctions or other efforts to promote security and peace.

So, companies need rules to tell them what they cannot do. In other words, there is a need for such rules. That is why the Panel, in its recommendations, has stressed the role of Governments (para. 170). Members may refer to that paragraph for the Panel's view of that role.

(*spoke in Arabic*)

In response to the representative of the Syrian Arab Republic, I wish he had met with the Panel of Experts to check the false information he has gathered with regard to the Panel, perhaps from certain biased persons who were singled out. Let me stress that the Panel of Experts did indeed meet a large number of business people and representatives of companies referred to in the report. We sent them more than 13 letters. Letters went, for instance, to Mr. Al-Shanfari, Chief Executive of Oryx Natural Resources, whom we met five times in Nairobi and New York, most recently yesterday afternoon. We asked him, particularly in our Nairobi meeting, to give us certain documents, and I can say that the Panel of Experts has assembled enough evidence, including compromising documentation, to reaffirm what the report says.

(*spoke in English*)

I have an answer to a question that has been asked many times: How can exploitation be halted after the withdrawal of foreign troops from the Democratic Republic of the Congo? I have been asked that many times, and I have the answer. The answer is simple. There are five elements that need to be tackled simultaneously, without which exploitation will continue unabated. Those five elements are the following.

The first element is the disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) of foreign and Congolese armed groups in an effective DDRRR programme. The second element is the rebuilding and reform of the State institutions of the Democratic Republic of the Congo.

That should begin with the establishment of an all-inclusive transitional Government in the Democratic Republic of the Congo. The third element is the reviewing and revising of concessions and contracts signed since 1997. The fourth element is the adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) Guidelines or to similar guidelines that outline procedures for bringing violations of the guidelines to the attention of home Governments. The countries of origin of corporations have a special responsibility to see that they are functioning legally and in transparency, and thus recognize the Government of the Democratic Republic of the Congo as the legitimate authority. The final and fifth element is that a monitoring body is therefore necessary to produce regular reports to the Security Council on the exploitation of resources: see paragraphs 186, 187 and 188 of the report.

I should like to end today's discussion on another note. It is one of reconciliation, not of defiance; of concord, not of disagreement. I humbly appeal to all the parties to the conflict, and to all who are willing, to consider the question that the people of the Great Lakes region — the farmers, the herders, the teachers, the students, the merchant women and shopkeepers, the mothers and fathers — have repeatedly asked: what has been gained in all these years of war? I appeal to all who seek to build a foundation for a broad and lasting settlement of this conflict to finally turn this bloodstained page in the history of the Great Lakes region. I appeal to them all to join hands and to enter together what could be a genuinely new era, in which peace-building will be the order of the day. The parties to the conflict will face many challenges in building that new era. But, with regional cooperation and international support, the citizens of the entire region could enjoy peace, security and economic development, and an atmosphere of transparency, legality and legitimacy can benefit all in the region.

Finally, I should like to conclude by expressing my full confidence that the Council will take the necessary decisions, in the light of the Panel's recommendations, to convey the right message to all the parties concerned — both those from the African continent and those from outside it.

The President (*spoke in Chinese*): I thank Mr. Kassem for the clarifications he has provided.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.40 p.m.

United Nations S/PV.4643

Security Council

Fifty-seventh year

Provisional

4643rd meeting

Wednesday, 6 November 2002, 3 p.m.

New York

President:	Mr. Zhang Yishan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Colombia	Mr. Franco
	France	Mr. Duclos
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mrs. Huree-Agarwal
	Mexico	Mrs. Arce de Jeannet
	Norway	Mr. Kolby
	Russian Federation	Mr. Gatilov
	Singapore	Mr. Yap
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2002/1126)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-67733 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2002/1126)

The President (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Denmark, Japan, Ukraine and Yugoslavia in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Yugoslavia), took a seat at the Council table; Ms. Løj (Denmark), Mr. Motomura (Japan) and Mr. Kuchinsky (Ukraine) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Chinese*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

It is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them document S/2002/1126, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

The Security Council will now hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. I give him the floor.

Mr. Guéhenno: I am pleased to introduce the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK), which was circulated on 18 October, and to provide members of the Council with an update of events, particularly on the outcome of the municipal elections held on 26 October.

Turning first to the main findings of the report, it was concluded that the Kosovo Government has made a concerted effort to improve its work and that there has been substantive progress in the ministries, notably in the health and education fields. There have, however, also been negative developments in these areas, particularly the continued existence of parallel structures. In this connection, the Assembly's resistance so far to including the university in northern Mitrovica in the higher education system is regrettable.

On 1 November, Mr. Steiner sent a draft law on higher education back to the Assembly for further deliberation, as he was not satisfied that the interests of the non-majority communities had been duly taken into account. In the interim, as reported, UNMIK has established an ad hoc Regional Education Board consisting of representatives of all communities, which is temporarily responsible for discharging the responsibilities of the Ministry of Education in northern Kosovo.

The consolidation of sustainable institutions depends on an effective public administration, the recruitment of which remains slow, and training requirements are indeed enormous. The multi-ethnic character of the civil service is still hampered by obstacles, such as security concerns, inter-ethnic tensions in workplace, limitations on freedom of movement and a limited pool of minority-community applicants with the requisite qualifications.

Turning now to the security situation, the demonstrations that followed the arrests over the summer of former members of the Kosovo Liberation Army (KLA) have subsided and did not resume with the start of the trial of two former KLA members arrested earlier this year, accused of crimes against Kosovo Serbs in 1999. As the number of arrests of this nature increase, the extent of intimidation of witnesses has become apparent. As reported, current legal

provisions and material resources remain insufficient to deal with this problem, notably through an effective witness protection programme.

Regrettably, there have been further attacks against members of the Kosovo Serb community. On 10 October, there was a reprehensible attack against 50 elderly Kosovo Serbs from Osojane who had gone to Pec to register for their pension. Five suspects have since been arrested.

This period also saw unrest in Mitrovica as a result of the attempted arrest by UNMIK Police on 8 August of a Kosovo Serb leader on charges of attempted murder during the April riots. Since the Secretary-General's report was finalized, there has been a positive development in connection with this case. On 9 October, the suspect handed himself in to UNMIK Police. Based on an examination of the evidence, including video footage of the riots, the charges against him were reduced to inciting a violent demonstration. The suspect was released on bail.

Turning to UNMIK's fight against crime, the period under review saw an increase in the amount of contraband seized and a subsequent increase in the number of arrests on charges of economic crime and corruption. Efforts were also made to bolster the operational capacity of the Kosovo Organized Crime Bureau. Thanks to valuable contributions by Member States, the Bureau now has the necessary equipment and technical support, as well as the personnel, to get up and running. UNMIK's increasing effectiveness on the judicial front is seen, indeed, in the growing prison population — currently 1,022 out of a capacity of 1,130.

The Mission marked a milestone in the development of the Kosovo Police Service (KPS), with the total number of KPS officers — approximately 5,300 — exceeding for the first time the number of UNMIK Police officers. An extra police training course was added to the training programme of the Police Service School in September, specifically to train Kosovo Serb recruits from northern Mitrovica. UNMIK is also getting close to enhancing the multi-ethnic composition of the local judiciary. After intensive efforts to integrate minority communities into the judicial system, the Kosovo Judicial and Prosecutorial Council has sent to the Assembly for endorsement a list of recommended candidates for appointment to 42 posts in the local judiciary. Of these, 19 are Kosovo Albanians, 21 are Kosovo Serbs, one is Bosniac and one is Gorani. Half of the candidates are women. Those posts are to be distributed in courts throughout Kosovo, including four courts that have reopened in Leposavic and Zubin Potok.

(*spoke in French*)

I would now like to say a few words about the returns situation. As the Secretary-General's report highlighted, the state of inter-ethnic relations, and thus the climate for return, varies from one area to another. While in some municipalities there has been an improvement in freedom of movement, improved security for minority communities and increased integration into administrative structures and social services — without problems, in others municipalities there has been a deterioration in inter-communal relations, often sparked by the spontaneous return of internally displaced persons, property disputes and security incidents. There has, unfortunately, been a rise in security incidents against the Kosovo Serb community in areas where they have returned or in places where return is planned. The deteriorating climate in some areas of Kosovo is partly attributable to the period of impending municipal elections, as a result of which many Kosovo Albanian municipal leaders were unwilling to engage in the sensitive issue of returns.

On 1 November, a Task Force on Returns was formed, comprising representatives of UNMIK, the Kosovo Force (KFOR), the Provisional Institutions and the Office of the United Nations High Commissioner for Refugees, in order to coordinate and invigorate the return process by providing the process with the necessary political backing and logistical support. As noted by Prime Minister Rexhepi at the launch of the Task Force, integrating non-majority communities now living in Kosovo into the broader Kosovar society is crucial for the future return of those not yet living in Kosovo.

Funding those efforts remains another crucial aspect for the success of future returns. UNMIK presented its 2003 Returns Strategy to the donors' conference in Brussels, held on 5 November. The total funding requests for the strategy amount to 37 million euro, which includes funding for the Housing and Property Directorate as well as unmet needs for 2002.

(*spoke in English*)

UNMIK continued to foster mutually beneficial relations, both with the authorities of the Federal Republic of Yugoslavia and with the wider region. The conclusion of technical agreements with the former Yugoslav Republic of Macedonia, Albania and Slovenia and, most recently, discussions on police cooperation with the authorities of Bosnia and Herzegovina are all part of UNMIK's regional approach. It is within that context that two additional border crossings with Albania were opened in October. As members of the Council are aware, UNMIK has been conducting Kosovo's external relations from the outset, and the Council has been kept informed of that through successive reports of the Secretary-General.

The third election in three years was held on 26 October, to renew the mandate of Municipal Assemblies first elected in 2000, this time for a period of four years. The election campaign was largely free of violence and election day itself passed peacefully. The Council of Europe Election Observation Mission confirmed that the election was "... in line with Council of Europe principles and international standards for democratic elections."

The day after the elections, on 27 October, the Kosovo Albanian Municipal Assembly President of Suva Reka, who belonged to President Rugova's Democratic League of Kosovo (LDK), was killed alongside two others. Two Kosovo Albanians suspects have been arrested; there is no evidence of a politically motivated crime, but the suspects may have personal connections with a rival political group.

This year's preparations saw an increased hand-over of electoral responsibilities to local institutions. Municipal Election Commissions played a lead organizational role, and some 12,000 domestic observers were accredited for the vote. Reductions were made in international supervisory involvement, with the blanket election supervision of the last two years replaced by a ratio of one international polling station supervisor to three polling stations.

As with Kosovo's last two elections, participation was key. The overall turnout of 54 per cent — 58 per cent in Kosovo and 14 per cent for voters voting in Serbia and Montenegro — coincided with a trend of voter fatigue seen across the board in this year's Balkans elections. The overall figure was further depressed by the low participation of the Kosovo Serb community — around 20 per cent — who voted predominantly in the five municipalities where they constitute a majority, that is, the three northern municipalities, plus Strpce and Novo Brdo. There was minimal participation in areas where Kosovo Serbs are a minority and what amounts to a boycott in northern Mitrovica city.

The low turnout of Serbs has in part been attributed to confusing signals from the authorities of the Federal Republic of Yugoslavia and of Serbia regarding participation. It is also attributable to the difficulties UNMIK has experienced in demonstrating that the Kosovo Serb community can derive tangible benefits from being part of the political process; but it inevitably takes time to show such benefits.

As the report of the Secretary-General noted, however, the participation of Kosovo Serbs as appointed members of the Municipal Assemblies did, in some places, yield results for that community in areas such as employment in the municipal civil service, the distribution of municipal revenue, the joint use of municipal facilities, the determination of street names and municipal returns plans. Progress was admittedly slow and limited to a few places, but it does show that there are gains to be made through perseverance and compromise by all sides. The low participation of the Serb community in that respect is a disappointment.

Mr. Steiner certified the election results on 3 November. For the third year running, the strongest party was President Rugova's (LDK), which won the majority in 11 out of 30 municipalities and gained the highest number of votes in a further eight. That, however, represented a slight loss for the LDK, which previously had an outright majority in 19 municipalities. Kosovo-wide, the LDK gained approximately 46 per cent of the vote, similar to how it fared in last year's Assembly election.

Mr. Thaci's Democratic Party of Kosovo (PDK) won a majority in four municipalities. Overall, the PDK gained 29 per cent of the vote, up two per cent from last year's Assembly election. The PDK has signalled its intention to co-govern wherever possible with the Alliance for the Future of Kosovo (AAK), the third main Kosovo Albanian party, which won no municipality outright. The AAK gained six per cent of the overall vote, similar to last year's results.

On the basis of their participation, the Kosovo Serbs won the majority in Leposavic, Zvecan and

Zubin Potok — the three northern municipalities – and in Strpce and in Novo Brdo. The results show that where Kosovo Serbs took part in large numbers, the Return Coalition lost out to Belgrade-based parties, mainly President Kostunica's Democratic Party of Serbia (DSS) and to the Serb National Council Mitrovica (SNC).

Due to a much lower turnout in those areas where they do not constitute a majority, Kosovo Serb representation in those municipal assemblies will be minimal: the Return Coalition gained one seat each in 11 municipal assemblies, and two in one municipal assembly, that of Kamenica; the DSS gained one seat each in five municipal assemblies.

In total, 40 out of the 68 political entities represented on the ballot won at least one seat, meaning that nearly all of Kosovo's minority communities received representation in municipal assemblies where they live. For example, Kosovo's Turkish community, which had boycotted the 2000 elections, participated this year and gained a seat in the Pristina municipal assembly and four seats in Prizren. The participation of most minority communities means that the balance of power rests with them in many municipalities. In Prizren, for example, the Kosovo Turkish community will be the decisive factor in coalition-building there. It is hoped that cooperation of that nature, out of political necessity, will lead to greater integration efforts.

As a result of gender requirements in the electoral legislation and the system of closed lists, 28.5 per cent of the membership of the new municipal assemblies will be made up of women representatives. That is a substantial improvement on the 8 per cent achieved at the 2000 elections. A surprising result was the performance of newly and locally organized politically unaffiliated initiatives, which received one or more seats in approximately half of Kosovo's municipalities.

Since the elections, Mr. Steiner has been actively consulting with Kosovo's leaders and the authorities of the Federal Republic of Yugoslavia regarding the next steps. These include pushing ahead with the concept of decentralization to bring Government closer to the people. There is support for this across both the Kosovo Albanian and Kosovo Serb political spectrums.

On 1 November, Kosovo Albanian and Kosovo Serb leaders issued a statement reaffirming that Kosovo must be a truly multi-ethnic society, and that all Kosovo's communities would work within the institutions. To achieve this, the representatives of the majority community committed themselves to safeguard the rights of the smaller communities, including the right to security and freedom of movement throughout Kosovo. On the basis of that endorsement, Mr. Steiner has asked the Council of Europe to send a mission to develop a proposal for decentralization.

Given the election boycott in northern Mitrovica, UNMIK has had to adapt the implementation of its seven-point plan mentioned in the Secretary-General's report. The most pressing issue is to manage the situation created by the boycott, which has led to the election of a Mitrovica municipal assembly devoid of Kosovo Serb representatives.

In conclusion, let me say that the developments of the last four months illustrate the difficulties faced in making consistent progress on all fronts in Kosovo. It is, inevitably, slow going. Although the Kosovo Serb community would like to see faster progress in many areas — as we would all like to see and are striving for — the low turnout of Kosovo Serbs is to the detriment of that community, as it diminishes their ability to participate in decision-making processes throughout Kosovo.

It is clear from recent events that more emphasis needs to be placed on reconciliation efforts. Kosovo's leaders have a responsibility to create conditions conducive to improving intercommunal relations and promoting reconciliation. In that regard, I welcome the statement made by political leaders on 1 November of which I have already spoken. But more needs to be done, including turning words into actions and speaking out more clearly against violence. The brunt of the effort lies with the majority community. However, the Kosovo Serb community must also realize that tangible benefits can be achieved only through participation.

The President (*spoke in Chinese*): I thank Mr. Guéhenno for his briefing.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The Russian delegation thanks the Secretary-General for his report (S/2002/1126) on the United Nations Interim Administration Mission in Kosovo (UNMIK). We would also like to thank the Under-Secretary-General, Mr. Jean-Marie Guéhenno for his presentation and for his detailed briefing on the

outcome of the municipal elections that were held on 26 October in Kosovo.

The assessments and analysis provide a good opportunity for a comprehensive consideration of the situation in and around the province so that we can determine future steps to fully implement Security Council resolution 1244 (1999). According to assessments by representatives of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, the elections were held in accordance with international standards, without any particular violations — although, of course, it should be noted that the turnout among the Serb electorate was very low.

In northern Mitrovica, the Serbs did not simply go to the polling stations. To a significant extend, this was a demonstration of the Serb population's unfavourable view of what is being done in Kosovo by the international presence. This refers primarily to the pending problems of ensuring equal security for the entire population of the province, the establishment of conditions for the return of non-Albanian refugees and displaced persons, and the implementation of other very important aspects of the settlement on which the normalization of life in the region will depend.

We expect a further increase in UNMIK's efforts to establish conditions essential for the return of national minorities to Kosovo. In that connection, we note the establishment of the Task Force on Returns, which has began its work. The international presence has a responsibility to ensure ethnic equality, but special responsibility lies with the leaders of the ethnic majority and those of the Provisional Institutions of Self-Government of Kosovo.

We fully agree with the Secretary-General that statements by Kosovo leaders that support a policy of tolerance, reconciliation and integration need to be followed with concrete action. Unfortunately, too often we see the opposite happening. One rather blatant example of action taken in disregard of the interest of the minority and contrary to the task of ensuring ethnic equality was the consideration in the provincial Assembly of the draft law on higher education. All references to the university in northern Mitrovica were deleted from the text owing to the position taken by the Albanian majority.

We believe that in order to build a truly multi-ethnic society in Kosovo, the Albanian parties must show greater respect for the rights of other communities. The international community must continue to strive to ensure that account is taken of the legitimate interests and concerns of the various communities on the basis of agreed action by UNMIK, the Yugoslav authorities and the representatives of provincial and local institutions of authority in Kosovo. Firmer control is needed over the activities of the provincial institutions; UNMIK and the Special Representative of the Secretary-General, Mr. Steiner, personally should monitor them.

We support efforts to improve law and order in Kosovo but we cannot fail to note the existence of serious problems facing UNMIK in this area.

The main problem is deliberate opposition to UNMIK's efforts on the part of criminal elements consisting, basically, of former Kosovo Liberation Army fighters and other radical nationalistic groupings, some of which are represented in the main governing bodies of the province.

Particularly serious attention must be given to incidents of ethnically motivated violence. The large-scale disturbances in Peć, which were provoked by supporters of the main Kosovar Albanian parties exploiting feelings of intolerance at the national level, are a confirmation of the fact that extremist elements in Kosovo want to destabilize the situation there. We cannot allow such actions to cast a pall over the already complicated settlement process in the province. Every single incident of that nature deserves international condemnation and requires an appropriate response from the Security Council.

The United Nations mission must continue to work actively to establish law and order and ensure respect for the law, as required by the provisions of resolution 1244 (1999). The attempts by the Provisional Institutions of Self-Government in Kosovo to question the lawfulness of action by UNMIK in Kosovo as it seeks to combat crime and extremism is intolerable. The international community, acting through the Security Council, must halt any attacks on international personnel.

The decentralization of the work of the institutions in the province could be one of the most important elements in the establishment of a truly equal, multi-ethnic society there. The seven-point plan for northern Mitrovica proposed by Mr. Steiner, and the subsequent additions to it, are steps in the right

direction. We believe that, in order to find a real solution to decentralization, UNMIK — and Mr. Steiner himself — must work actively with all communities in the province, primarily the Kosovo Serbs, as well as with Belgrade.

We note the efforts by the Yugoslav authorities to find a constructive solution to this problem. The concept of decentralizing power, proposed by the Deputy Prime Minister of Serbia, Mr. Ćović is evidence of such efforts.

We note Mr. Guéhenno's explanations with regard to the opening of two border crossing points in the Kosovo sector of the Yugoslav-Albanian border. We believe it is necessary to stress once again that any foreign ties with Kosovo must be strictly in accordance with the principle of respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

In general, we believe that it is important to strengthen constructive cooperation between the UNMIK leadership and Belgrade on the basis of the provisions in the Common Document of 5 November 2001. That, indeed, is the key to resolving many ongoing problems in implementing the provisions of resolution 1244 (1999).

Mr. Tafrov (Bulgaria) (*spoke in French*): I would like first of all to thank you, Mr. President, on behalf of my delegation, for having convened this meeting. I would also like to thank the Secretary-General for his most recent report on the United Nations Interim Administration Mission in Kosovo and Mr. Jean-Marie Guéhenno for his very detailed and useful briefing. My delegation unreservedly concurs with his assessment.

As a country associated with the European Union, Bulgaria fully associates itself with the statement to be made later by the representative of Denmark on behalf of the Union. I shall therefore confine myself to some brief comments in my national capacity.

Bulgaria welcomes the holding in Kosovo, in a peaceful and unhindered manner and under the auspices of the international community, of municipal elections. That represents an important step towards the promotion of democracy, the rule of law and the establishment of functional local-authority institutions.

The local-authority bodies that will be formed in the future on the basis of the election should help to provide solutions to the main problems of the province and its population, namely strengthening the process of creating democratic institutions, establishing the primacy of law, combating organized crime and corruption, and ensuring economic development and respect for human rights.

Bulgaria will continue actively to support the efforts of the United Nations Interim Administration Mission in Kosovo, the Kosovo Force, the Organization for Security and Cooperation in Europe, the Council of Europe and other international organizations working in Kosovo with a view to re-establishing normal living conditions for all the inhabitants of the region, whatever their ethnic origin.

We welcome the measures taken with a view to enhancing the effectiveness of the work of the Provisional Institutions of Self-Government, including the stated intention of the Assembly to consider one bill per week, as well as the matrix that has recently been introduced to allow better control of the legislative process.

Bulgaria confirms its absolute support for the policy of the Special Representative of the Secretary-General, Michael Steiner, and for the endeavours of UNMIK aimed at ensuring the equitable participation of all ethnic communities in the Provisional Institutions of Self-Government at all levels. Some progress has already been achieved in this area, but much remains to be done — Jean-Marie Guéhenno has spoken eloquently in that regard. Only eight of the 24 municipalities are multi-ethnic in nature and in those municipalities the participation of minorities is proportional to their number. We welcome that — but eight out of 24 municipalities is insufficient.

In this context, we regret the very low turnout of the Serb population in the elections, and we support Jean-Marie Guéhenno's appeal for greater participation, which is the only way to improve the lot of the Kosovo Serb community.

We call on the political leaders of Kosovo to bring their authority and influence to bear in order to develop a climate of human and inter-ethnic tolerance in the province. The continuing existence of areas of ethnic tension and of confrontational attitudes between ethnic communities is a matter of concern. That situation cannot be tolerated.

Bulgaria also appeals for continued intensive dialogue between UNMIK and the Belgrade authorities

with a view to finding an acceptable solution to all the questions relating to the lasting return of refugees and the decentralization of Kosovo.

Bulgaria reaffirms its belief that regional infrastructure projects, particularly in the areas of telecommunications and transport, represent the least costly and most effective way of investing in the stability and security of the region as a whole.

Mr. Cunningham (United States): I want to thank the Under-Secretary-General for his excellent briefing and analysis and say that I agree with his conclusions. As the Secretary-General's report (S/2002/1126) and Mr. Guéhenno's remarks indicate, the United Nations Interim Administration Mission in Kosovo (UNMIK) is moving forward on a range of complicated political and administrative challenges. We are heartened at the slow but steady progress on programmes aimed at strengthening the rule of law and improving the security situation.

While, unfortunately, there are still violent incidents, such as the post-election murder, to which Mr. Guéhenno referred, the attack on Serb pensioners in Pec and an ongoing problem with organized crime, we are satisfied that UNMIK and KFOR are responding to those difficulties in an appropriate way. We were persuaded by the priorities that Lord Ashdown set out several weeks ago during our discussion on Bosnia, in which he presented the rule of law as an essential precondition for the development of democracy.

We congratulate Special Representative Steiner on UNMIK's success in conducting municipal elections in Kosovo on 26 October. Mr. Guéhenno did a thorough job of outlining the results in the process of those elections. Clearly, in and of themselves, they are not sufficient for a truly representative and democratic Government. Our reading of the results and the dynamics of the municipal election process suggests the need for Kosovo's leaders themselves to move more aggressively on a number of fronts. They need to do more to promote security and reconciliation. In many municipalities, good governance will be possible only if parties are willing to form coalitions across party lines. We urge local leaders to move aggressively on collaborative efforts that focus on results from Government.

My delegation believes that we must move faster and further in fostering responsive and responsible Government in Kosovo, and I applaud Mr. Steiner's efforts in that regard. We need to see more effort across the political spectrum in raising the level of political dialogue. Parties must stop talking past each other and focus on solutions that will improve lives and help attract the investment that is needed to ensure a sustainable future for all the people of Kosovo.

In the most recent elections, Kosovo Serbs were faced with a confusing array of messages from their leaders. That was reflected in confusion about how to proceed. In some municipalities, the participation rate was upwards of 70 per cent. In others, such as northern Mitrovica, there was nearly a complete boycott. That leaves both UNMIK and the Council in a difficult position on how to proceed, even if there is clarity about what is required.

Two things that we think are required are that the majority must take an active role in protecting the rights of Serbs and other minorities and, secondly, that Kosovar Serbs know that minorities must participate fully in Kosovo's Provisional Institutions of Self-Government and at the local level. The international community must do all it can to encourage both to take those steps. But it is up to them to take those steps.

They must conclude on both sides that they need to overcome the past, as hard and unpleasant as that may be, in order to advance the interests of all Kosovars. We are clearly not there yet. We do not envy the Special Representative, given the challenge that he faces. We congratulate him on the success that he has had so far with his very ambitious and clear-headed approach to measuring progress on key goals through benchmarks, including his efforts on sustainable returns and his attempt to improve the difficult situation in northern Mitrovica.

I want to reiterate our support for a Council mission to Kosovo, if that will prove helpful in communicating the appropriate message to all Kosovars and in establishing a way forward towards the multi-ethnic democracy established as our goal in resolution 1244 (1999).

Mr. Duclos (France) (*spoke in French*): Allow me, Sir, to thank the Secretary-General for his report (S/2002/1126). I would also like to express our gratitude to Under-Secretary-General Jean-Marie Guéhenno for his very useful and precise account on the municipal elections just held in Kosovo.

My delegation naturally supports the statement to be made by Denmark, the current chair of the European Union, which fully expresses our position. I will therefore limit myself to three remarks in my national capacity.

With respect to the elections, we welcome the fact that they were carried out in a peaceful environment and with respect for democratic standards. However, we regret, of course, the post-electoral criminal act mentioned by Mr. Guéhenno and we condemn it. We note the excellent work done by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe on that occasion. We welcome the mature approach taken by the local electoral commissions. Naturally, we cannot hide a certain disappointment at the level of participation in the elections. On that point, we can only share fully the judgement of Mr. Guéhenno in his conclusions. Electoral participation is today the surest way for the Serb minority to advance its cause in Kosovo.

Decentralization is a useful tool for building a modern, multi-ethnic and democratic Kosovo. We therefore welcome the call by Albanian and Serb leaders in Kosovo following their 1 November meeting with the Special Representative of the Secretary-General. We support Mr. Steiner's efforts in that direction. We support his idea of drawing on the European Council's expertise on decentralization.

We believe that the dialogue undertaken between Pristina and Belgrade has allowed for progress in several crucial areas. We particularly welcome the discussions for an orderly return of refugees. That progress encourages us to fully support the Special Representative of the Secretary-General in the strengthening of the dialogue between Pristina and Belgrade.

I will conclude my statement by welcoming the determined effort of Mr. Steiner and by calling on all elected officials to cooperate fully with him for the construction of a modern, multi-ethnic and democratic Kosovo.

Mr. Atieh (Syrian Arab Republic) *(spoke in Arabic)*: Mr. President, my delegation thanks you for your initiative of convening this meeting on Kosovo. We also express our thanks to Mr. Guéhenno for his detailed and comprehensive briefing on the most recent developments in Kosovo, in particular, with respect to the local elections recently held there.

Furthermore, my delegation welcomes the report of the Secretary-General (S/2002/1126) pursuant to Security Council resolution 1244 (1999). The report indicates that the process of establishing standards for local political leaders and officials and civil service personnel was explained and promoted on a large scale under the slogan "standards before status". It is gratifying that the majority of the political forces in Kosovo welcomed that approach and expressed their readiness to implement the agreed standards.

My delegation commends the efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) to change the political dynamics, to provide an incentive for getting rid of parallel structures and to encourage all communities to participate in joint institutions. What is a matter of concern to us is that, despite the continued efforts to increase the representation of minorities in all departments of the civil service, there remain a number of obstacles, security concerns, ethnic tension and restrictions on the freedom of movement, which limit the employment of qualified members of minorities in those institutions. The report points out that the security situation has remained calm during the period under review, despite sporadic incidents of civil unrest. Nevertheless, the report indicates that economic crime and corruption are still prevalent in the region under the control of UNMIK. Indeed, UNMIK arrested those accused of tax evasion, smuggling, money-laundering and swindling with the help of the Kosovo Force (KFOR) and the Kosovo Police Service. We support the efforts made by the United Nations with a view towards consolidating the principle of the rule of law in Kosovo, which would lead to calm in the entire region.

My delegation encourages friendly relations and regular contact between UNMIK, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia, Albania and Slovenia, since this will contribute to peace and stability within the Balkan region.

In conclusion, my delegation would like to praise the efforts made by Special Representative Steiner and UNMIK towards strengthening the rule of law. We hope that the question of the return of the minorities will be accorded the necessary attention that would help to establish stability in Kosovo. We hope that the recent local elections in Kosovo will be the first step in a fruitful endeavour and will contribute to the security

and safety of all communities and ethnic minorities in the country.

Mrs. Huree-Agarwal (Mauritius): I join other speakers in thanking Mr. Guéhenno for his comprehensive and useful briefing and for introducing the Secretary-General's report.

The municipal elections held last week in Kosovo were yet another step towards democratization of institutions and increasing collective participation in the day-to-day affairs of the province. We are pleased to note the elections were conducted in a rather peaceful manner.

The 54 per cent turnout at the elections is most encouraging to my delegation, despite several attempts to boycott the elections. It is regrettable that the Serb community did not participate in the elections in large numbers, and as Mr. Guéhenno rightly pointed out, their low turnout has decreased their capacity to take part in the decision-making process.

The election of 262 women is also encouraging. We believe this is the right channel through which the concerns of vulnerable groups, especially women and children, could be addressed when framing policies and programmes.

The vision the Council has set for Kosovo will never be achieved without the full participation of all communities in the work of the provisional self-government. They should continue to cooperate with the United Nations and its Mission in Kosovo by participating in the institutions set up by the United Nations Interim Administration in Kosovo (UNMIK) in the best interest of everyone.

We hope all communities will work together to meet the standards set up by the Special Representative of the Secretary-General, Mr. Steiner. We also welcome the political will demonstrated by the Government of Kosovo to track progress in this regard.

The existence of parallel structures in the Mitrovica region continues to hamper the successful governance of the province. In this regard, we welcome the seven-point plan aimed at in co-governance and decentralization developed by Special Representative Steiner. The success of this strategy will not be possible without the cooperation of the Belgrade authorities, and our delegation hopes that they will work with UNMIK in achieving the plan for the Mitrovica region.

We are also pleased to note that the number of incoming internally displaced persons and refugees has surpassed that of the outflow of minorities from Kosovo. We believe that necessary action should be taken to address the security problem as the result of these mass returns. Proper planning is of utmost importance to insure the safety and security of those returnees.

The incidents reported in paragraph 38 of the Secretary-General's report indicate that more needs to be done to ensure the smooth integration of the internally displaced persons and refugees in the social life of Kosovo. In this regard, we welcome the recent initiative taken by Mr. Steiner to establish a task force that will oversee and invigorate the process of return to the province. However, without concrete support from all local political leaders, donors, host countries of Kosovo, refugees and the local population, the process will not achieve the required result. We therefore call on all of them to join efforts to this end.

We understand that the tasks are enormous and the challenges are difficult, but it will not be long before a peaceful, democratic, multi-ethnic Kosovo is established in line with European standards.

Finally, we pay tribute to all those who are working relentlessly in this regard.

Mr. Corr (Ireland): First, I wish to thank you, Sir, for convening this open meeting on Kosovo. I also wish to thank the Secretary-General for his detailed report on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK), and Under-Secretary-General Guéhenno for his comprehensive briefing about recent developments in the province.

Ireland fully endorses the statement which the Ambassador of Denmark will deliver on behalf of the European Union. I will therefore comment briefly in my national capacity.

We congratulate the people of Kosovo, UNMIK and all others concerned for having organized and held municipal elections on 26 October 2002, which were largely in line with international standards.

We condemn the three killings, including that of the President of the Municipal Assembly, which marred what would otherwise have been a relatively safe and secure process. The low turnout no doubt bears witness, in part, to the overriding interest of voters in

improving their standard of living rather than focusing on issues of final status. It is also due, as Under-Secretary-General Guéhenno said, to confusing political signals, as well as uncertainty on likely tangible benefits from participation in the elections.

The Council issued a statement prior to the elections which called on all Kosovo Serbs to facilitate progress towards building a democratic society by ensuring that their interests were properly represented. We particularly regret, therefore, the low turnout in certain areas by Kosovo Serbs. Nonetheless, democracy is democracy, and all elections bear their own messages.

The main message from this election is, more than ever, that the building of a democratic and multi-ethnic society in Kosovo represents the only possible way forward.

Ireland continues to support Special Representative Steiner's policy of "Standards before Status", and we welcome the development of mechanisms within UNMIK and the Provisional Institutions of Self-Government to track progress towards achieving the benchmarks. The Provisional Institutions should demonstrate their readiness to assume governmental functions by working to achieve a culture based on the rule of law, to tackle crime and violence and to ensure economic progress.

It is clear that ethnic tensions continue to cause enormous problems in Kosovo. Despite improvements in the security situation and the pace return of refugee and internally displaced persons, there continue to be difficulties with the integration of minorities. Too many still live in conditions that are incompatible with basic standards of human rights. We support UNMIK's efforts to increase sustainable refugee returns and stress the need for even closer cooperation with Belgrade on this vital issue so that returnees can live in normal, secure conditions.

The donors conference on Kosovo, co-hosted in Brussels yesterday by the European Commission and the World Bank, provided a valuable opportunity to take stock of the positive developments since the adoption of Security Council resolution 1244 (1999). However, much more needs to be achieved if Kosovo is to become a multi-ethnic, democratic entity with a fully functioning economy. While progress has been made towards the goal of economic sustainability, there remains a risk of undue aid-dependency. UNMIK and the Provisional Institutions must guard against that risk.

However, donors must not use the risk of aid-dependency as an excuse to reduce assistance to Kosovo too prematurely. Yesterday's conference demonstrated donor awareness of the need to consolidate the gains made so far and to create conditions whereby economic interaction helps to break down the ethnic barriers which, unfortunately, still pertain in Kosovo. It was important also to hear Prime Minister Rexhepi at the conference commit his Government to building a viable, multi-ethnic Kosovo in which all citizens would have access to public services and which supported the return of internally displaced persons and refugees.

Of course, the existence of parallel structures continues to pose obstacles to progress. It is essential that all judges, prosecutors and security forces work within legitimate structures and contribute to upholding the rule of law in Kosovo. We welcome efforts by UNMIK to change the political dynamic so as to provide an incentive to dismantle those structures and to encourage all communities to participate in the joint institutions. We support the concept of decentralization and ongoing efforts to draw up plans on a wide consultative basis.

My delegation continues to work to support political stability in the region as a whole on the basis of economic reform, democracy and respect for human rights. We support the efforts of Special Representative Steiner and UNMIK to implement resolution 1244 (1999). We support, as Ambassador Cunningham said earlier, a Security Council mission to Kosovo in the near future. Along with our partners in the European Union, we will continue to promote integration and regional cooperation through the Stability Pact and the stabilization and association process, as well as in our bilateral engagement with the region. It is now essential that political leaders in Kosovo play their part in ensuring progress towards European integration, including through the promotion of reconciliation and dialogue.

Mrs. Arce de Jeannet (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to thank the Under-Secretary-General for Peacekeeping Operations, Mr. Jean- Marie Guéhenno, for updating the Security Council on developments in the situation in Kosovo in general and in particular with respect to the activities

of the United Nations Interim Administration Mission in Kosovo (UNMIK), on the basis of the report of the Secretary-General of 9 October 2002 (S/2002/1126).

While the report, which is the reason for today's meeting, does not address the municipal elections held in Kosovo on 26 October, the Mexican delegation wishes to speak about those first of all. Mexico would like to highlight the importance of that electoral process having taken place in a calm atmosphere and without incident. The holding of elections in peaceful circumstances and their results constitute a significant step forward in the process of forming representative organs with the participation of all ethnic and cultural communities of Kosovo. However, Mexico is concerned by the fact that the participation of the Serb community in the election was low compared to that in the elections of November 2001.

A very positive outcome of the 26 October elections was that women represent more than 28 per cent of the members of the 30 municipal assemblies. This is a significant advance over the elections of 2000 when the proportion of women elected to the assemblies was only 8 per cent.

With respect to the report of the Secretary-General, the Mexican delegation has taken note of the progress made in the area of the building effective democratic institutions, and specifically through training for members of the assemblies, the adoption of laws on primary and secondary education, and in the area of public health.

The Mexican delegation acknowledges the efforts of the United Nations Interim Administration Mission in Kosovo to change the political climate with a view to bringing about the dismantling of parallel structures and providing an incentive for all communities to participate in the joint institutions. As suggested in the report, security problems, inter-ethnic tension in the workplace and limitations on freedom of movement continue to be impediments to the participation of minorities in the civil service. It is therefore essential for UNMIK to continue to give priority to matters relating the security situation in general and in specific cases, as well as to measures to ensure greater freedom of movement.

Among the challenges facing the Provisional Institutions of Self-Government of Kosovo and UNMIK, Mexico would like to underscore the importance of continued progress to bolster the rule of law and the development of policies aimed at establishing economic sustainability, particularly with respect to the creation of jobs and the development of the right conditions for the sustainable return of refugees, and internally displaced persons. On the question of refugees, we take note with satisfaction that last year saw an end to the net departure of members of minorities from Kosovo. But there is still much that remains to be done in order to ensure the majority of refugees return to their places of origin and find acceptable conditions which will enable them to remain there.

Mr. Kolby (Norway): Norway would like to thank Under-Secretary-General Jean-Marie Guéhenno for a very comprehensive briefing. We would also like to thank the Secretary-General for his report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2002/1126). We would like to reiterate Norway's full support for the priorities set forth by Special Representative Steiner and our appreciation for his substantial efforts, as well as for those of UNMIK and the Provisional Institutions of Self-Government in ensuring the implementation of Security Council resolution 1244 (1999).

Norway welcomes the largely peaceful conduct of the recent municipal elections. We strongly condemn, however, the killing of three persons the day after the elections, including the Democratic League of Kosovo leader, in Suva Reka. That incident casts a dark and ominous shadow over an otherwise well organized election process. Norway urges the responsible authorities to do their utmost to bring the perpetrators to justice. Norway welcomes the prompt condemnations of this act by political leaders in Kosovo.

Norway regrets the generally low turnout in the municipal elections. The very limited participation in some Kosovo Serb areas was most disappointing, as it unfortunately will create additional obstacles to the full integration of that community in Kosovo. However, in some of the Serb majority municipalities the turnout was very high. Zubin Potok, for instance, had a 70-per-cent turnout, and in the mixed municipality of Novo Brdo the participation was 80 per cent.

While understanding the rationale for postponing the scheduled conference on decentralization, Norway nonetheless believes that it would be unfortunate if that

work were not followed up. Dialogue between UNMIK and Belgrade will be important in that respect.

Norway welcomes Special Representative Steiner's seven-point plan for the integration of the city of Mitrovica. It is important that measures be taken to increase Kosovo Serb confidence in UNMIK in particular, and in the international community in Kosovo in general. We welcome the plan outlined by Special Representative Steiner, and look forward to seeing the results of its implementation.

Kosovo's 13 municipalities now have newly elected municipal assemblies. It will be of the utmost importance that all political parties respect the results of the election and that the implementation of those results takes place in a democratic and peaceful manner. Previous experience has shown the many difficulties that can be encountered in the implementation of election results. Kosovo's political parties must fully recognize that elections are more than a technical exercise; their very essence is about representation in political structures, thereby achieving the benchmark of the Special Representative of the Secretary-General for the realization of effective, representative and functional institutions.

Elected representatives and local administrations must assume responsibility on all levels. They must demonstrate their accountability, focusing on the tasks mandated to them. At the municipal level that pertains, first and foremost, to the delivery of public services to their respective local communities. Moreover, allocations of resources must be done in a transparent way. Corruption and nepotism must be combated.

All elected members of the municipal assemblies must now demonstrate their ability to cooperate across political and ethnic divisions. A spirit of compromise will be crucial in order to solve the many tasks and challenges awaiting them. The municipal assemblies and their administrations must promote civil society structures and human rights. Members of ethnic minorities and women must be secured proportionate representation in the local governments, as well as access to meaningful participation as civil servants. Only by fulfilling their responsibility as municipal assemblies and local administrations throughout Kosovo can the benchmark of effective, representative and functioning institutions be achieved.

The Council has decided to send a mission to Kosovo in support of UNMIK's work, and I have accepted to lead that mission. My delegation, supported by the Secretariat and in close consultations with all members of the Council, is currently working out the practical arrangements for such a mission.

Mr. Traoré (Guinea) (*spoke in French*): Allow me to thank you, Mr. President, for having convened this meeting. I would also like to convey my delegation's appreciation to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for the valuable information he has just given us.

During the Security Council's debate on the subject of Kosovo in January 2002, my delegation welcomed the progress made during 2001 and called on all parties to give priority to dialogue in order to reach a negotiated settlement of outstanding issues. Further significant progress has been made since then, including the Assembly's designation of a President and Prime Minister, the successful establishment of a multi-ethnic Government, the adoption of a Government programme and the commencement of the Assembly's work. These are important steps forward in implementing the relevant resolutions of the Security Council.

The report before us describes developments in the situation on the ground since 17 July 2002. My delegation is pleased to take note of the progress now being made with regard to benchmarks. We encourage the members of the Assembly to continue to pursue training programmes in the context of building functioning democratic institutions.

We welcome the successful holding of municipal elections, which resulted in a turnout of about 54 per cent. However, we regret the low level of mobilization among the Serb community despite the many appeals made in that regard. These elections represent a new stage in establishing Kosovo's institutions, and the effective participation of all communities remains essential.

As the Secretary-General highlights in his report, the representation of all communities in central and local bodies should lead Kosovo to establish a good Government and make it possible for everyone to benefit from the tangible results of the efforts made. It is now up to all parties to face up to their responsibilities by supporting local institutions, as those institutions provide a framework for cooperation among Kosovo's citizens themselves, on the one hand, and the United Nations Interim Administration Mission

in Kosovo (UNMIK) and the countries of the region, on the other. We also encourage Mr. Steiner to continue his efforts in the areas of education, health and administration, as well as in the implementation of the seven-point plan put forth on 1 October 2002.

Enhancing the professionalism and independence of the media requires significant assistance to press bodies, in order to better enable them to meet their responsibilities.

We appreciate efforts underway to resolve the issue of missing persons. We also welcome UNMIK's efforts in this regard, which have made it possible to develop appropriate protocols to that end. The donor community should support those efforts.

Despite some isolated incidents of violence, which my delegation condemns, we welcome the current calm security situation, as well as the building of local capacity in the areas of maintaining order and the judicial system. However, there is a need to support local authorities in order to enable them to resolve the problems with prisons.

We believe that the return and reintegration of refuges and the return of property are continuing concerns that must be properly resolved. We welcome the establishment of a special group to accelerate that process announced on 1 November 2002 by the Prime Minister and the Special Representative. The cooperation of central and local leaders and the support of the international community will be essential to ensuring that this group can carry out its work effectively. Moreover, in addition to the strengthening of cooperation among the States of the region, we also welcome UNMIK's regular contact with the authorities of the Federal Republic of Yugoslavia and the Republics of Serbia and Montenegro.

We hope that the results of the donors conference in Brussels on 5 November will have a positive effect on resolving the challenges confronting Kosovo.

Finally, I would like to conclude by once again appealing to Kosovo's leaders and peoples to favour dialogue for strengthening confidence-building measures and building good-neighbourly relations with all the countries of the region.

Mr. Yap (Singapore): We would first like to thank Under-Secretary-General Guehenno for his usual thorough and useful briefing on the latest developments in Kosovo.

Looking at the overall picture, it is clear that the situation on the ground in Kosovo will continue to require continued United Nations and international engagement for some time to come. Indeed, the benchmarks process initiated by Special Representative Steiner provides a useful framework to determine the state of affairs in Kosovo. Aptly given the slogan "Standards before status", the benchmarks framework gives a precise and coherent picture of the standards that have to be achieved on the ground before an ultimate solution can be found to the issue of Kosovo.

We are, therefore, glad to note that the benchmarks approach has the support of the Kosovo political entities themselves, to the extent that the Provisional Institutions of Self-Government have established a mechanism to monitor progress and some of the Institutions have formulated action plans for attaining the standards that have been set.

We are also pleased to learn that the United Nations Interim Administration Mission in Kosovo (UNMIK) is developing a set of progress indicators to systematically track what has been achieved and to identify the aspects where greater efforts have to be made. This would facilitate something we have repeatedly encouraged: a more in-depth analysis of the benchmarks to ascertain the trend lines and any emerging threats so that necessary action can be taken.

I would like to raise two specific issues, the first of which is the consequences of the municipal elections held last month. While the elections were successfully and peacefully conducted, it is unfortunate that the Kosovo Serbs turned out in low numbers. That has not helped their cause in terms of having greater involvement in political life in Kosovo. The results of the elections bear this out. Even more so now, the majority in Kosovo must protect the rights of the minorities, and the minorities must make a greater effort to participate in the political and social life of the society. In that regard, we welcome the support given by the leaders of the Kosovo communities for the decentralization concept, and Special Representative Steiner's intention to push ahead with that concept. It is important that UNMIK engage Belgrade on the implementation of the concept.

My second point relates to returns. We agree with Mr. Steiner that returns are a top priority for all, and we support the launching by him and Prime Minister Rexhepi of the Task Force on Returns to give high-

level support to and coordinate the returns programme in order to invigorate the returns process. The goal must be for returns to be sustainable and for returnees to be integrated into society — which, we note, is far from the case in some municipalities.

The international community's continued support is essential. We hope that the donor conference for Kosovo, held in Brussels yesterday, produced the necessary outcome with respect to the funding of the returns programme.

Finally, allow me to say that my delegation looks forward to participating in a forthcoming Security Council mission to Kosovo.

Mr. Franco (Colombia) (*spoke in Spanish*): We are grateful to Mr. Guéhenno for the information he has provided, which helps us get a clearer picture of the events of recent days. Before I address some of the points made by the Under-Secretary-General, I wish to refer to the Secretary-General's report (S/2002/1126), in which we see progress in various areas. We commend the Special Representative of the Secretary-General, Mr. Steiner, and the members of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the excellent job they are doing.

We wish to mention three specific points. The first point is on the return of refugees. It is good to note that the number of organized and individual returns is continuing to grow. The comprehensive fashion in which this issue is being handled has ensured that the people returning have at least the minimum security and development conditions that enable them to re-establish their lives. For that reason, we believe that the initiative of the Special Representative to create a Task Force on Returns will make it possible to appraise and improve that policy in order, as Mr. Steiner has said, "to turn this priority into reality".

My second point pertains to the situation in Mitrovica. We acknowledge that the situation in the Mitrovica area has improved substantially. I am speaking not only of the security situation, but also of the work in which UNMIK is engaged, together with the population, in an effort to dismantle the existing parallel structures and to incorporate this region into the framework that is being applied to the rest of Kosovo. For this reason, we regard the seven-point plan proposed by the Special Representative on 1 October as an important step in the right direction.

The third point relates to the political situation. There has been marked improvement in the consolidation of executive and legislative power. The commitment of the people working in these areas will make the decisions that they are making more efficient and effective. We appeal to those just elected to join in this endeavour and to work to bolster the institutions in a way that will ensure the formation of a multi-ethnic society.

There was a very high rate of abstention in the 26 October elections. We regret that majorities decided not to participate to any great extent in the electoral process. That decision, specifically that of the Kosovo Serbs, is directly detrimental to them, since it reduces their ability to influence and participate in decision-making processes. Unfortunately, the decision of certain Serb politicians to encourage a boycott by Kosovo Serbs through a disinformation campaign prevailed over the efforts of other leaders and of the international community.

These results should be cause for further reflection, because we believe that they may have been the consequence of a variety of factors, including the following: electoral fatigue; rejection of UNMIK's policies; indifference to democratic mechanisms; lack of information; the influence of electoral groups in the region; and lack of commitment on the part of local leaders to induce electors to vote. That list of concerns could go on. So we believe that these results should not be taken lightly, because through analysis of their implications and causes it may be possible to identify a promising space within which to design policies that better reflect reality.

We regret that the Special Representative's presentation of an administrative decentralization programme had to be postponed in view of the electoral results. We consider the principles of decentralization to be very important for the future administration of Kosovo. Accordingly, we are sure that Mr. Steiner will continue to try to implement his programme, with the necessary reforms. We support the initiative of proposing that the Council of Europe present a programme in this regard.

In conclusion, we would like to mention the work that has been done with neighbouring countries and, of course, with the Government of Yugoslavia. The regional perspective ensures that the programmes developed by UNMIK are not isolated and that they

enable the institutions that are being created to be self-sustaining over time.

Mr. Thomson (United Kingdom): I thank Mr. Guéhenno for his briefing. The United Kingdom supports the statement to be made by Denmark on behalf of the European Union; I have only a few comments to add in my national capacity. We believe that the United Nations Interim Administration Mission in Kosovo (UNMIK) and the other pillars are achieving steady progress in Kosovo, in difficult circumstances.

We welcome the recent visits by the Special Representative of the Secretary-General, Mr. Steiner, to Belgrade and the intensifying cooperation between him and Mr. Covic on Kosovo issues, because we believe that cooperation among Belgrade, UNMIK and the Provisional Institutions of Self-Government is essential.

We strongly support Michael Steiner's initiatives, both on Mitrovica and more generally on decentralization. We believe that it is important that the parallel structures be dismantled in north Mitrovica and that UNMIK be able to establish its authority. Of course, the United Kingdom regrets the low turnout of Serb voters in Mitrovica in the recent elections. Hard-liners ignored advice from Belgrade and from their own people, and they have lost an opportunity as a result.

We support decentralization because we want to see a truly multi-ethnic, democratic Kosovo, and we believe that local people need to take on greater responsibility for their everyday lives to achieve that reality. So, like others, we were pleased that elsewhere Serbs and other minorities did turn out to vote, even if in lower numbers in some places than we would have liked to see. Notwithstanding those low turnouts, the generally successful conduct of the election should create a good basis for further progress.

The United Kingdom strongly condemns the subsequent murder of the President of the Municipal Assembly and of two other persons in Suva Reka. The perpetrators of those acts must face justice. Such acts of criminal and extremist violence are a challenge to the international community.

The British Foreign Secretary visited Belgrade and Pristina over the past two days. He met political leaders in both places. He underlined our strong support for Special Representative Steiner's "Standards before Status" approach and the need for all sides in Kosovo to work together. What is needed is practical cooperation to improve living conditions, to promote the return of refugees and internally displaced persons and to encourage economic growth for the benefit of all the people of Kosovo.

Mr. Tidjani (Cameroon) (*spoke in French*): I should like to thank you, Mr. President, for the opportunity you have offered us to consider in a public debate the situation in Kosovo. I should also like to thank Under-Secretary-General Jean-Marie Guéhenno for his detailed, up-to-date briefing.

The international community has ministered to Kosovo since the adoption of resolution 1244 (1999). Many sacrifices have been made. Today, it seems clear that real progress has been accomplished, and that is evidence of the effectiveness of the United Nations Interim Administration Mission in Kosovo (UNMIK) and Mr. Steiner in their roles and their activities.

For UNMIK's total success, we think that multidimensional support is essential. Such support could be manifested at three levels: the level of Kosovo's socio-political components, that of Kosovo's immediate neighbours, and that of the international community.

First, the socio-economic components must understand that nothing lasting can be built without reconciliation achieved through dialogue, tolerance, recognition and acceptance of one's own identity and that of others, and integration. Only respect for those cardinal virtues will enable Kosovo to move beyond hatred, to combat crime and violence effectively and to know a harmonious political life, taking into account the interests of everyone. To that end, an integrated multi-ethnic civil service is essential, and my delegation would like to support decentralization, which can promote a truly multi-ethnic society. We support Mr. Steiner's initiatives in that area.

The second level of support should come from Kosovo's immediate neighbourhood. In fact, the inclusion of that province in the great family of the Balkans depends on greater, frank and sustained cooperation with its neighbours. Here I should like to mention, and indeed to welcome, agreements signed recently with Albania and Slovenia on the establishment of future partnerships in the areas of trade, tourism and police and transport cooperation. However, Cameroon expresses certain concerns,

particularly at the forced repatriations of mentally ill Kosovars and at the persistent tension on Kosovo's borders with its neighbours, despite existing agreements.

Finally, the third level of support should come from the international community. Despite the undeniable sacrifices made by the international community in Kosovo — efforts and sacrifices that have thus far produced positive results — the international community must remain vigilant, prudent and patient in the pursuit of the noble objectives that it has set for Kosovo. It must continue its work or risk seeing all its efforts reduced to naught. There must be greater financial support in order to strengthen the social and educational structures, the rule of law and police training. There must also be more substantial participation in the economic recovery and measures to address the severe trade deficit, to encourage foreign investment, to promote job creation and to strengthen the active population's capacities for education and training.

We welcome the municipal elections held on 26 October in Kosovo. We appreciated the calm that surrounded the preparations for those elections, as well as the fact that they proceeded according to democratic norms, as Mr. Guéhenno emphasized. However, we deplore the assassination of the President of the Suva Reka Municipal Assembly and of two members of his security staff.

An assessment of the elections, while generally positive, nevertheless reveals certain characteristics that give rise to concern. One of them is the low participation of Kosovo Serbs; at this point, we do not believe that was the best way to state their demands or to defend their cause. Another is the return of political violence, and the third is the ethnically motivated vote. In that regard, we believe that the ethnic majority has a fundamental role to play in promoting a multi-ethnic society, taking into account the interests of all the components of society. We appreciate the strong and unequivocal condemnation of the murders in Suva Reka by all the local political leaders, and we think that all of the province's political actors must understand that the future of Kosovo depends on tolerance, integration and participation.

We should like in conclusion to assure Mr. Steiner of our full support.

The President (*spoke in Chinese*): I shall now make a statement in my national capacity.

Like previous speakers, I should like to thank the Secretary-General for his report (S/2002/1126) and to thank the Under-Secretary-General for Peacekeeping Operations, Mr. Guéhenno, for his informative briefing.

My Government welcomes the holding of municipal elections in a fair and peaceful manner. The Chinese delegation takes note of the fact that the United Nations Interim Administration Mission in Kosovo (UNMIK) is developing a set of progress indicators to allow it to track the achievement of benchmarks and to highlight areas where efforts need to be intensified. Further efforts will focus on engaging the municipal level following the municipal elections.

At the same time, we also note that the Kosovo Assembly rejected the proposals of the minority representatives for the law on higher education. The Secretary-General expresses his regret at this, and we hope that this matter will be handled appropriately so as to protect the rights and interests of the minorities in a practical manner.

On the matter of elections, my delegation endorses the Secretary-General's assessment, in paragraph 49 of his report, that elections are only the first step. Meaningful participation in elective bodies at the central and local levels by all communities in Kosovo is an important element in ensuring not only successful governance, but also that Government provides good services to all communities. It is in this sense that we express our concern over the low turnout of Kosovo Serbs. We hope that UNMIK will take effective measures to ensure that Governments at the central and local levels will safeguard the interests of minorities.

As Mr. Guéhenno and all speakers here have pointed out, Kosovo still has a long way to go towards national reconciliation. The Chinese delegation will continue to follow closely developments in the situation in Kosovo. We look forward to the Security Council's mission to Kosovo, to be led by Ambassador Kolby, and we anticipate fruitful results from it.

I now resume my functions as President of the Council.

I now call on the representative of Yugoslavia.

Mr. Šahović (Yugoslavia): I would like to congratulate you, Sir, on your assumption of the presidency of the Council for this month. We are grateful to the Secretary-General for his report and to Under-Secretary-General Guéhenno for his detailed briefing and analysis.

My delegation appreciates the fact that we are discussing the issue of Kosovo and Metohija again after two months. It has been a dynamic period, marked by the local elections on 26 October. A Security Council mission was scheduled to visit the province during the elections. This, regrettably, did not take place. It is our sincere hope that a representative and high-level mission of the Council will be carried out in the near future in order to obtain first-hand knowledge of the situation on the ground, which, unfortunately, is not satisfactory.

Allow me first to make a few brief comments on the report before us, specifically on the chapter entitled "Creating conditions for sustainable returns and reintegration". It is a well-known fact that approximately a quarter of a million internally displaced persons belonging to minority communities are still unable to return to their homes, even after a three-year international presence in Kosovo and Metohija. While recognizing and respecting the need to deal with such problems as the forced repatriation of Kosovo Albanians — an issue that is highlighted in the introduction of the chapter on returns — we strongly feel that creating conditions for the return of internally displaced persons must be given priority in any serious attempt to achieve stability, democracy and multi-ethnicity in the province. Unless energetic and concrete measures to speed up the return process are taken, the number of those willing to attempt returns will certainly not increase. The data provided in the report, to the effect that 1,698 persons from minority communities have returned so far this year to Kosovo and Metohija, is telling proof of the absence of progress in the return process.

I would also like to add that activities aimed at promoting inter-ethnic dialogue at a grass-roots level, such as football and boxing events, no doubt represent positive initiatives. However, the continuing lack of returns is a problem that stems from far more basic concerns, such as the lack of security and of the freedom of movement.

The level of both was amply demonstrated a few weeks ago by a mob attack on a group of elderly Serbs who had attempted to enter a bank in Pec to collect their pensions. Moreover, according to the United Nations Interim Administration Mission in Kosovo (UNMIK), the Kosovo Albanians also hurled rocks and Molotov cocktails at the United Nations police officers called in to restore order. We appreciate that Special Representative of the Secretary-General Steiner promptly condemned this incident. Nevertheless, there are no guarantees that similar attacks will not reoccur in the future.

This brings us to the issue of the recent municipal elections. Against the background of the precarious situation on the ground, the highest authorities of my country have taken the difficult decision to call upon the Serb minority to take part in the elections. However, voting is not only an obligation; it is a right as well, which citizens are willing to exercise as long as they believe that it will improve their living conditions.

Minorities, including Serbs, did participate in the elections in the hope that the international community will more energetically seek to create conditions in which their human rights will be respected and their overall situation will get better. Despite the fact that their participation received different evaluations, it is our view that a larger turnout was not realistically possible.

Northern Mitrovica was the only municipality where the Serbs did not vote. I would not call that a boycott. My Government believes that they took this decision out of sincere fear for their survival in the city. The Federal Republic of Yugoslavia remains fully committed to achieving multi-ethnicity throughout Kosovo and Metohija, including Mitrovica. This can be done only in close cooperation among all those involved, while avoiding any steps that might exacerbate the situation. We stand ready to contribute fully to normalizing conditions in the city, including through Mr. Steiner's efforts to adjust the seven-point plan to the post-electoral situation in Mitrovica, which Mr. Guehenno mentioned.

More generally in this context, the Federal Republic of Yugoslavia supports Mr. Steiner's decision to continue discussions on the decentralization of Kosovo and Metohija in accordance with resolution 1244 (1999) and the responsibilities of UNMIK. We

also welcome the decision, resulting from Mr. Steiner's recent meeting with Serbs and Albanians alike, to invite representatives of the Council of Europe to visit the province and to discuss decentralization models with all national communities. We would like to stress the need for firm and unequivocal guarantees from the international community for decentralization. This would pave the way for the establishment of stable democratic local institutions and restore faith in the common future of all communities in Kosovo and Metohija.

Only in such changed circumstances will it be possible to achieve the prosperity of all citizens in the province. Furthermore, the economic goals addressed at the donor coordination meeting yesterday in Brussels will be attainable, again, only if such faith in a common future exists.

Allow me to briefly touch upon a few issues which are also of grave concern to us. As I said in my letter to the President of the Security Council last month, two border crossings were opened on 16 October this year between the Federal Republic of Yugoslavia and the Republic of Albania in a manner inconsistent with resolution 1244 (1999), notably with the provisions related to the sovereignty and territorial integrity of Yugoslavia.

Only a few days later, Prime Minister Bajram Rexhepi and other members of the provisional institutions of self-government paid a visit to New York that was organized in a manner contrary to the provisions of the same Security Council resolution, as well as to the Constitutional Framework. This is unacceptable to my Government, as both documents clearly define that international cooperation with respect to Kosovo and Metohija falls within the exclusive competence of UNMIK.

We expect the Security Council to prevent such departures from the established framework of competences of the provisional institutions of self-government, bearing in mind that the current status of Kosovo and Metohija has been defined clearly and solely in resolution 1244 (1999). Therefore, my Government once again calls upon the Security Council to ensure full implementation of resolution 1244 (1999).

In conclusion, I would like to point out once again that, in the period ahead, serious efforts are needed constructively to address two problems: the return of internally displaced persons and the decentralization of Kosovo and Metohija. My Government is ready to contribute fully to these efforts. Unless visible progress is achieved on these two interrelated issues soon, we will, in a few months time, be further away than we are now from our common objective — the creation of a multi-ethnic tolerant society in Kosovo and Metohija.

The President (*spoke in Chinese*): I thank the representative of Yugoslavia for his kind words addressed to me. The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make her statement.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association country of the European Economic Area, Iceland, align themselves with this statement.

At the outset, I would like to thank Under-Secretary-General Guéhenno for his comprehensive briefing. That briefing, together with the Secretary-General's report, gives a broad overview of the recent developments in Kosovo.

On 26 October, municipal elections took place in Kosovo. It was the first election in which all Municipal Assemblies were elected for a four-year term. The European Union commends the professional manner in which it was held. We consider the election as both free and fair. We, therefore, join the Council of Europe in describing it as a significant step in the process of creating a democratic society in Kosovo. One incident, however, did cast a shadow over the otherwise peaceful elections. That was the killing of the President of the Municipal Assembly and two other persons in Suhareke/Suva Reka. The European Union strongly condemns those killings. As they represent an attack on democracy in Kosovo, the perpetrators must be brought to justice.

The municipal elections were characterized by great variations in voter participation from district to district. The European Union regrets the low participation among the Serb minority in certain areas. We share the view of the Special Representative of the

Secretary-General, Mr. Steiner, that the Serb minority, by staying away from the ballot, missed an opportunity to contribute to shaping its communities.

Laying the foundation for economic progress is key to putting Kosovo on the path to a better future. We agree with the Secretary-General that the main challenges are creating jobs, ensuring that the basis for a market economy takes firm root and increasing the capacity of the Kosovo workforce through education and training. The Provisional Institutions must assume primary responsibility for the economic and social progress of all of Kosovo's inhabitants. In that regard, the European Union supports the work of the Kosovo Trust Agency in establishing clear property ownership, facilitating and protecting new investments, and putting idle assets into productive use. We expect to see full support from all parties to meet the difficult challenges ahead.

Continued efforts to combat organized crime and corruption will also be essential for creating a sustainable basis for economic development in Kosovo. The European Union welcomes the work done by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Police Service in that regard.

United Nations authority throughout Kosovo is unconditional. There can be no partition, no mono-ethnicity and no parallel structures. Progress in Mitrovica depends on replacing parallel structures with legitimate institutions. It also depends on the full cooperation of local actors such as UNMIK and the Kosovo Force (KFOR) in the implementation of resolution 1244 (1999). In that connection, we stress the importance of continuing the process towards further decentralization. We reiterate our call on Belgrade to discontinue its financial and political support of the parallel structures, including the bridge watchers. Kosovo Serb judges and prosecutors must work within legitimate legal structures and thereby contribute to upholding the rule of law in Kosovo. To achieve that, we must replace fear with trust and build confidence through the concrete measures proposed by the Special Representative. That will open the way to ending confrontation between those on opposite sides of the Ibar. There is nothing to loose by cooperation for the people in the northern part of Mitrovica. They only stand to gain.

The issue of returns remains the test of Kosovo's progress towards a multi-ethnic society. The European Union remains supportive of UNMIK efforts to increase the pace of returns. In that regard, we welcome the information in the Secretary-General's report that the previous trend of net outflow of minorities has stopped. The European Union furthermore welcomes the cooperation between UNMIK and Belgrade in ensuring that returns are sustainable. However, much more could be done. We regret the reports of local obstruction of returns and urge all authorities to work with UNMIK and the Office of the United Nations High Commissioner for Refugees to improve the conditions for returns.

The fate of missing persons also remains a serious strain on all communities in Kosovo. Resolving that remains a crucial obstacle to reconciliation, and should therefore receive the necessary attention by the authorities. To that end, the European Union welcomes the work of the newly established Office on Missing Persons and Forensics.

In conclusion, I would like to stress that the European Union remains supportive of the Special Representative's policy of "Standards before Status". The focus of the Kosovo politicians must be on achieving a culture based on the rule of law, tackling crime and violence, and ensuring economic progress before considering the future status of Kosovo. The final status of Kosovo will need to be addressed in due course in line with resolution 1244 (1999). The solution must secure a society that is both multi-ethnic and democratic and that contributes to stability in the wider region.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Ukraine. I invite him to take a seat at the Council table and to make his statement.

Mr. Kuchinsky (Ukraine): Let me warmly congratulate you, Sir, on your assumption of the presidency of the Security Council. According to recent weather forecasts, it seems that November will be rainy and windy. I am confident that, under your wise leadership, the Council, vessel will navigate successfully, avoiding all reefs that threaten to split it apart.

My special thanks go to Under-Secretary-General Jean-Marie Guehenno. His comprehensive briefing, as well as the report of the Secretary-General on the

activities of the United Nations Interim Administration Mission in Kosovo (UNMIK), as usual, have provided us with a clear picture of the situation on the ground.

At this late hour I will be very brief.

Since my country's position and assessment of the ongoing developments in Kosovo have been presented at our previous meetings and basically remain unchanged, I will limit myself to just a few remarks on the latest events.

Visible progress achieved by UNMIK in promoting the benchmark processes, strengthening the rule of law and laying the foundations for economic stabilization in the region give us good reason for optimism. But, I believe, it should be a very cautious optimism. The outcome of the municipal elections held on 26 October enables us to draw the conclusion that, while significant improvements have been made in the province, there are still many hurdles ahead.

The democratic nature of the elections has been widely recognized. We were pleased to learn that the voting was carried out in a calm and peaceful atmosphere. In our view, the people of Kosovo should be congratulated for their political maturity. My delegation also pays tribute to the representatives of the international presence in the region, who significantly contributed to the general success of the elections.

Undoubtedly, the Kosovo electorate has placed great trust in the hands of its newly elected leaders. Now it is important to ensure effective governance with benefits for all the national communities by proper implementation of the election results.

In this regard, I must mention that for the first time the ballots reflected the full ethnic diversity of Kosovo. Therefore, the reported information on low participation in the voting by the minorities, especially Kosovo Serbs in certain areas, was most regrettable.

However, let us face the reality. Apathy is a younger sister of a fatality. The murder of the president of the municipal assembly and two other individuals in Suva Reka, a mob attack on a group of Serb prisoners, together with a number of further security incidents, have demonstrated that UNMIK and KFOR cannot weaken their efforts to eliminate an ideology of political and ethnic intolerance in the province.

It was reported in the media that during the visit to Kosovo the Special Envoy of the United Nations Commission on Human Rights for Federal Republic of Yugoslavia and Bosnia-Herzegovina, Mr. José Cutileiro, acknowledged no improvement in the status of human rights in the region. He particularly referred to the slow process of minority returns. Of course, the press is not the most reliable source of information on such delicate issues as Kosovo. I hope that Mr. Cutileiro's final conclusions will soon appear in his report.

Nevertheless, the problem still remains. Despite intense international efforts to improve security conditions, Kosovo Serbs and other non-Albanians living in mixed ethnicity areas still fear violent intimidation. During the month of October there have been occasional flare-ups of ethnic-related violence throughout the whole region. Let me once again stress that Ukraine strongly condemns outbursts of all kinds of violence in Kosovo and calls on UNMIK and KFOR to continue their resolute actions to stop this dangerous trend.

We would also like to endorse the relevant position of the European Union and urge all Kosovo authorities to work closely with UNMIK and the Office of the United Nations High Commissioner for Refugees to improve the inter-ethnic climate, as well as the conditions for sustainable returns.

In our view, active cooperation of UNMIK with Belgrade authorities, as well as the implementation of new initiatives, undertaken by the Special Representative of the Secretary-General, Mr. Michael Steiner, together with Kosovo leaders, will definitely bring tangible results. An old proverb says that: "Everybody talks about the weather, but nobody does anything about it". The result-oriented efforts of the Special Representative leave us with the impression that the Kosovo weather could be changed. At the same time, a wide range of urgent tasks in the security, political, economic and humanitarian spheres, I believe, require more than his prompt reaction. They demand further increased attention on the part of the Security Council and appropriate coordinated support from the international community.

I wish to conclude by reaffirming Ukraine's strong commitment to the stabilization processes in the province and our readiness to continue our participation in the international activities there.

The President (*spoke in Chinese*): The next speaker on my list is the representative of Japan who I invite to take a seat at the Council table and to make his statement.

Mr. Motomura (Japan): I would like to thank you for convening this open meeting of the Security Council on the situation in Kosovo. I would also like to thank Under-Secretary-General Mr. Jean-Marie Guéhenno for his timely report.

Today, I shall focus my comments on the recent municipal elections and various related issues. The municipal elections on 26 October were the first to be held since the Provisional Institutions of Self-Government were established. Recognizing the great significance of the elections for the peace process, the Japanese Government dispatched an elections expert to the Kosovo Mission of the Organization for Security and Cooperation in Europe (OSCE), which organized the elections.

Japan welcomes the fact that, in general, the elections were conducted in a free and fair manner, with the participation of all ethnic groups. We believe the elections represent an important step toward realizing a democratic and multi-ethnic society in Kosovo. Unlike the elections in 2000, there was no Kosovo-wide boycott, although the low turnout among Serbs and the boycott in Mitrovica were disappointing. We call upon all the elected members of the municipal assemblies to work together to develop democratic local governments.

The international community must build upon the outcome of the municipal elections and continue its efforts for the construction of a democratic and multi-ethnic society throughout Kosovo. For this purpose, United Nations Interim Administration Mission in Kosovo (UNMIK) and the elected leaders should all cooperate to achieve decentralization, as the Special Representative, Michael Steiner, has urged them to do. Dismantling the parallel structure in Mitrovica will be a key to this endeavour.

Secondly, the construction of a democratic and multi-ethnic society will depend upon the expeditious return of the refugees and internally displaced persons who were forced out of the area by the conflict. From this viewpoint, we welcome the establishment of a task force on the return of refugees and internally displaced persons, and we support UNMIK's policy of organized, sustainable returns based on respect for the rights of individuals.

In addition, it is also important that the international community extend assistance for ethnic reconciliation. My Government has contributed almost $100 million for various reconstruction-assistance programmes in Kosovo. Hereafter, we intend to focus on projects that facilitate confidence-building and cooperation among the different communities. Specifically, we will pursue possibilities to contribute to small-arms control and human-resources development projects.

Finally, let me take this opportunity to refer to the issue of Security Council missions. The Council has decided to send a third mission to Kosovo. My delegation recognizes that while such missions can play an important role in determining how the United Nations should be engaged in efforts to settle a regional conflict, it is important that their cost, and the criteria for deciding when and where to dispatch them, as well as their composition, be discussed in a transparent manner.

In closing, let me assure you, Mr. President, that my Government remains committed to the peace implementation process in Kosovo. It does so in the belief that the stability and prosperity of Kosovo are also vitally important to South-East Europe as a whole.

The President (*spoke in Chinese*): There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.25 p.m.

United Nations S/PV.4644

Security Council

Fifty-seventh year

Provisional

4644th meeting

Friday, 8 November 2002, 10 a.m.

New York

President:	Mr. Wang Yingfan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Traoré
	Ireland	Mr. Ryan
	Mauritius	Mr. Gokool
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation between Iraq and Kuwait.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-68099 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/1198, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Chinese*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1441 (2002).

I should now like to give the floor to the Secretary-General, Mr. Kofi Annan.

The Secretary-General: The Security Council resolution adopted today has strengthened the cause of peace and given renewed impetus to the search for security in an increasingly dangerous world. The resolution sets out in clear terms Iraq's obligation to cooperate with the United Nations in ensuring the full and final disarmament of its weapons of mass destruction. It leaves no doubt as to what these obligations are or as to how they must be fulfilled. Iraq now has a new opportunity to comply with all the relevant resolutions of the Security Council.

I urge the Iraqi leadership, for the sake of its own people and for the sake of world security and world order, to seize this opportunity and thereby begin to end the isolation and suffering of the Iraqi people. If Iraq's defiance continues, however, the Security Council must face its responsibilities.

This resolution is based on law, collective effort and the unique legitimacy of the United Nations. It represents an example of multilateral diplomacy serving the cause of peace and security. It reflects a renewed commitment to preventing the development and spread of weapons of mass destruction and the universal wish to see this goal obtained by peaceful means.

I commend the leaders and the Council members, who have worked so hard to negotiate this resolution. I know that it has not been easy to reach agreement. It has required both patience and persistence. But the effort has been well worthwhile. Whenever the Council is united, it sends a very powerful signal. And I hope that Iraq will heed that signal.

I also wish to recognize those countries, especially members of the League of Arab States, who persuaded Iraq to change its previous position. It is important that Governments with influence on Iraq remain engaged in the efforts to obtain Iraq's compliance with its international obligations.

The road ahead will be difficult and dangerous. But empowered by this resolution, the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency stand equipped to carry out their vital task. To succeed, they will require full and unconditional cooperation on the part of Iraq and the continued determination of the international community to pursue its common aim in a united and effective manner.

This is a time of trial — for Iraq, for the United Nations and for the world. The goal is to ensure the peaceful disarmament of Iraq in compliance with Security Council resolutions and a better, more secure future for its people. How this crisis is resolved will affect greatly the course of peace and security in the coming years, in the region and in the world.

I commend the Council for acting today with purpose and resolve.

The President (*spoke in Chinese*): I thank the Secretary-General for his statement.

Mr. Negroponte (United States of America): This resolution constitutes the world community's demand that Iraq disclose and destroy its weapons of mass destruction. On 12 September, President Bush came to the General Assembly seeking to build an international consensus to counter Iraq's persistent defiance of the United Nations. Over a decade ago, after evicting Iraq from Kuwait, the Security Council determined that peace and security in the Persian Gulf region required that Iraq, verifiably, give up its weapons of mass destruction. The Council reached that decision because of Iraq's record of aggression against its neighbours and its use of chemical and biological weapons. For 11 years, without success, we have tried a variety of ways, including diplomacy, inspections and economic sanctions, to obtain Iraqi compliance. By this resolution, we are now united in trying a different course. That course is to send a clear message to Iraq insisting on its disarmament in the area of weapons of mass destruction and delivery systems, or face the consequences.

The resolution we have just adopted puts the conflict between Iraq and the United Nations in context and recalls the obligations on Iraq and the authorities of Member States to enforce them. It begins by reference to Iraq's invasion of Kuwait in August 1990 and the international community's response. It recalls that the ceasefire ending the 1991 Gulf war was conditioned on Iraq's disarmament with respect to nuclear, chemical and biological weapons, together with their support infrastructures; ending its involvement in, and support for, terrorism; and its accounting for, and restoration of, foreign nationals and foreign property wrongfully seized. In addition, the Council demanded that the Iraqi Government stop oppressing the Iraqi people. Iraq has ignored those obligations essential to peace and security.

The resolution confirms what has been clear for years: that Iraq has been and remains in violation of disarmament obligations — "material breach" in lawyers' language. The Council then decides to afford Iraq a final opportunity to comply. As a means to that end, the resolution then establishes an enhanced, strengthened inspection regime. The resolution gives the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) a new, powerful mandate. Its core is immediate and unimpeded access to every site, including presidential and other sensitive sites, structure or vehicle they choose to inspect and equally immediate and unimpeded access to people they wish to interview. In other words, anyone, anywhere, any time. And the resolution gives UNMOVIC and the IAEA the power to do their work properly and to ensure the verifiable destruction of Iraq's weapons of mass destruction and associated infrastructure and support programmes.

Let us be clear: the inspections will not work unless the Iraqi regime cooperates fully with UNMOVIC and the IAEA. We hope all Member States now will press Iraq to undertake that cooperation. This resolution is designed to test Iraq's intentions: will it abandon its weapons of mass destruction and its illicit missile programmes or continue its delays and defiance of the entire world? Every act of Iraqi non-compliance will be a serious matter, because it would tell us that Iraq has no intention of disarming.

As we have said on numerous occasions to Council members, this resolution contains no "hidden triggers" and no "automaticity" with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12. The resolution makes clear that any Iraqi failure to comply is unacceptable and that Iraq must be disarmed. And, one way or another, Iraq will be disarmed. If the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security.

To the Government of Iraq, our message is simple: non-compliance no longer is an option.

To our colleagues on the Security Council, our message is one of partnership: over seven weeks, we have built international consensus on how to proceed towards Iraq, and we have come together, recognizing that our collective security is at stake and that we must meet this challenge, as proposed by President Bush on 12 September.

To the Secretary-General, Mr. Blix, and Mr. El-Baradei: We urge you to make full use of the tools given to you in this resolution, and we pledge our full support. And we urge every Member of the United Nations to offer you all assistance possible.

To the Governments and peoples of the Arab world, including the people of Iraq: the purpose of this resolution is to open the way to a peaceful solution of this issue. That is the intention and wish of my Government. When the Baghdad regime claims that the United States is seeking to wage war on the Arab world, nothing could be farther from the truth. What we seek, and what the Council seeks by this resolution, is the disarmament of Iraq's weapons of mass destruction. We urge you to join us in our common effort to secure that goal and assure peace and security in the region.

President Bush asked the Security Council to take on the challenge posed by Iraq. He asked that it find Iraq in material breach of its ongoing obligations, that it establish an enhanced inspection regime as a means for obtaining the disarmament of Iraq in the area of weapons of mass destruction, and that it make clear that the most serious consequences for Iraq would follow continued defiance. This resolution accomplishes each of these purposes. Moreover, it does so as a result of intense and open discussions with our Security Council partners. In this process, different views about the shape and language of a resolution were fused into the common approach we and our British partners wanted to create.

This resolution affords Iraq a final opportunity. The Secretary-General said on 12 September — and he repeated it again today — that "If Iraq's defiance continues, the Security Council must face its responsibilities" (*A/57/PV.2, p.3*). We concur with the wisdom of his remarks. Members can rely on the United States to live up to its responsibilities if the Iraq regime persists with its refusal to disarm.

Sir Jeremy Greenstock (United Kingdom): I start by thanking the Secretary-General for his presence, for his powerful statement and for his wisdom in advising the Council over these past weeks.

I said at the Council's open debate on Iraq, on 17 October, that no shadow of a doubt remained that Iraq has defied the United Nations — not any particular Member State: the United Nations — over the last 11 years. I itemized on that occasion the ways in which Iraq has sought to frustrate and hinder inspections since 1991.

With the adoption of this resolution, the Security Council has clearly stated that the United Nations will no longer tolerate this defiance. As paragraph 2 makes crystal clear, Iraq is being given a final opportunity to comply with its disarmament obligations: a final opportunity to remedy its material breach of resolution 687 (1991) set out in paragraph 1. The regime in Baghdad now faces an unequivocal choice: between complete disarmament and the serious consequences indicated in paragraph 13.

The fact that this resolution has the unanimous support of Council members sends, as the Secretary-General has just said, the most powerful signal to Iraq that this is the only choice, that it can no longer evade its obligations under United Nations resolutions. Because of the strength of this signal, there is at last a chance that Iraq will finally comply with its obligations and that military action can be averted.

A key part of the resolution we have adopted today is the provisions giving inspectors the penetrating strength needed to ensure the successful disarmament of Iraq. I am glad that the Council has recognized that we could not afford a return to the ambiguous modalities and memorandums of understanding of the past; that we could not afford exceptions to unconditional, unrestricted and immediate access; that we could not afford to have inspectors again standing by helplessly while crucial documents are burned or while convoys leave from the back doors as inspectors arrive in the front; and that we could not afford interviews compromised by intimidating minders.

The provisions we have agreed, including making legally binding the practical arrangements set out by the inspectors themselves, will significantly strengthen the hand of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). This will reinforce international confidence in the inspectors. It will also, I hope, lead Iraq away from a fatal decision to conceal weapons of mass destruction. If Iraq is genuinely committed to full weapons of mass destruction disarmament, it can ensure that inspections get off to a flying start by providing the complete and accurate declaration required under paragraph 3. The United Kingdom has full confidence in Mr. Blix and Mr. ElBaradei and their teams, and full respect for their integrity and independence, as they embark on a crucial and difficult task.

We heard loud and clear during the negotiations the concerns about "automaticity" and "hidden

triggers" — the concern that on a decision so crucial we should not rush into military action; that on a decision so crucial any Iraqi violations should be discussed by the Council. Let me be equally clear in response, as a co-sponsor with the United States of the text we have just adopted. There is no "automaticity" in this resolution. If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council for discussion as required in paragraph 12. We would expect the Security Council then to meet its responsibilities.

Ultimately, the choice lies with Iraq as to whether to take the peaceful route to disarmament. The United Kingdom hopes that Iraq will fully cooperate with the United Nations, meet its obligations and take the path back to the lifting of sanctions laid out in resolutions 1284 (1999) and 687 (1991). The disarmament of Iraq in the area of weapons of mass destruction by peaceful means remains the United Kingdom's firm preference. But if Iraq chooses defiance and concealment, rejecting the final opportunity it has been given by the Council in paragraph 2, the United Kingdom — together, we trust, with other Members of the Security Council — will ensure that the task of disarmament required by the resolutions is completed.

Mr. Levitte (France) (*spoke in French*): France considers that the resolution that has just been adopted unanimously is a good resolution for the following reasons. The resolution strengthens the role and authority of the Security Council. That was the main and constant objective of France throughout the negotiations which have just concluded. That objective was reflected in our request that a two-stage approach be established and complied with, ensuring that the Security Council would maintain control of the process at each stage.

That objective has been attained: in the event that the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) or the Director General of the International Atomic Energy Agency (IAEA) reports to the Security Council that Iraq has not complied with its obligations, the Council would meet immediately to evaluate the seriousness of the violations and draw the appropriate conclusions. France welcomes the fact that all ambiguity on this point and all elements of automaticity have disappeared from the resolution.

As we wished, the resolution we have just adopted also gives the Executive Chairman of UNMOVIC and the Director General of IAEA a clear mandate and stronger authority to carry out their mission. Their teams will be able to have immediate and unrestricted access to all sites they wish to inspect. They will be able to hear, at their convenience, all Iraqi leaders involved in activities covered by the resolution. Multinational composition will guarantee impartiality. They will have all the technical and logistical arrangements necessary to carry out their tasks.

Naturally, the inspectors will have to count on the complete cooperation of the Iraqi authorities to verify that Iraq does not have weapons of mass destruction and to ensure its disarmament. To begin with, Iraq within seven days must unambiguously state its decision to apply in full this resolution and to cooperate actively with the inspectors. It must within 30 days provide a declaration which will facilitate their work.

France is fully confident that Mr. Blix and Mr. ElBaradei will make full use of the new powers they have been given and that they will rigorously and professionally discharge the essential responsibilities entrusted to them by the Security Council. With their mandate and greater authority, their teams must now proceed immediately to Iraq to resume inspections.

In the course of the day, France, Russia and China will make public a joint statement stressing the scope of the text of the resolution just adopted.

This resolution represents a success for the Security Council and the United Nations. That success must now become a success for peace. As President Jacques Chirac of France said yesterday, all of France's diplomatic efforts in recent weeks were directed towards giving peace a chance. In other words, those efforts sought to achieve the peaceful disarmament of Iraq. France's goal is to work tirelessly to ensure stability in the region.

It is against that backdrop, and through collective responsibility, that the efforts of the international community to disarm Iraq should be carried out. War can only be the last recourse. The rules of the game spelled out by the Security Council are clear and demanding and require the unfailing cooperation of Iraqi leaders. If Iraq wants to avoid confrontation it must understand that this is its last opportunity.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): My delegation welcomes and appreciates the presence of the Secretary-General at this important meeting of the Security Council.

Mexico appreciates the efforts made by the members of the Security Council to reach the agreement reflected in the revised draft resolution just adopted, which was sponsored by the United States and the United Kingdom and which was the result of several weeks of intense negotiations in New York and in capitals around the world. It is now resolution 1441 (2002).

The pace of those negotiations enabled the Council to draft a text that adequately reflects the concerns of its member States about the need for Iraq to comply with its disarmament obligations and to renounce weapons of mass destruction. Should Iraq fail to comply, the Council's response will be defined on the basis of its own determination as to the existence of a threat to international peace and security.

The Council's unity in this morning's vote on the resolution sends a clear and unambiguous message to the international community, in response to the Secretary-General's repeated calls. Mexico believes that the Council's decision serves to preserve the legitimacy, effectiveness and relevance of this body in the fulfilment of its mandate to maintain international peace and security. It also strengthens the Council, the United Nations, multilateralism and the building of an international system of norms and principles. All of these elements will continue to guide Mexico's action in the Security Council.

The resolution just adopted is the result of negotiations in which those who called for automatic recourse to the use of force agreed to give Iraq one last chance to voluntarily, immediately and unconditionally comply with Security Council resolutions. Iraq now has an obligation to the Council and to the international community to comply fully with its international obligations. Similarly, this resolution also constitutes progress, as it eliminates the concept of automaticity in the use of force in response to a serious violation without the explicit agreement of the Council.

We welcome the fact that the two-stage approach has been accepted. That approach has had the explicit and specific support of Mexico since Minister Jorge Castañeda spoke in the General Assembly on 13 September. Under that approach, any decision in response to possible material breach by Iraq with regard to the relevant resolutions will have to be taken on the basis of two prerequisites.

In effect, my country proposed that the Security Council's response should be based on two clearly differentiated stages. The first stage would entail a credible process to evaluate Iraq's true military capability and its intention to use its weapons or the ability of terrorist groups to have access to them. The second stage would entail the agreement of the Security Council and other States involved on the measures to be adopted if the evaluation process detects a threat to international peace and security.

However, another virtue of the resolution we have just adopted is the fact that the changes made in the revised inspection regime give inspectors a renewed mandate for the timely and effective discharge of their tasks. The fact that the Council must at all times preserve its authority to determine the composition of the inspection teams and their rules of operations, while avoiding the imposition of armed inspections or having inspectors accompanied by representatives of permanent members, was duly taken into account. The resolution also guarantees the neutrality and impartiality of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and strengthens the principle that inspectors must report to the Council as a whole, and not to individual countries.

Mexico would like to reiterate its full agreement with the inspection arrangements established by UNMOVIC and the International Atomic Energy Agency (IAEA). We also trust in the integrity, professionalism and independence of Mr. Hans Blix and Mr. Mohamed ElBaradei.

We also welcome the possibilities provided by the success in these negotiations to assure Iraq's full compliance with Security Council resolutions. We emphasize the importance that Security Council decisions taken in this connection must continue to comply with the principles of the Charter and international law on the basis of objectively verifiable facts.

We reiterate the belief reflected in the agreed text that the possibility of the use of force is valid only as a last resort, with prior explicit authorization required from the Security Council.

To sum up, the resolution stipulates that should Iraq fail to comply, it will be the inspectors who will report to the Council. This multilateral body will then determine the nature of that failure to comply, judge whether international peace and security have been imperiled, and then decide what is appropriate under the United Nations Charter.

For all of the aforementioned reasons, Mexico has voted in favour of this resolution in the conviction that it is an important step towards the peaceful solution of a crisis that can imperil international peace and security.

Mexico is gratified that all the members of the Security Council have fully shouldered their responsibilities, as incumbent upon them under the United Nations Charter. They have preserved the unity and authority of the Council and strengthened the highest interests of the maintenance of international peace and security.

Mr. Ryan (Ireland): Ireland warmly welcomes the unity that the Council has shown in the adoption of this resolution. This is a strong message from the Security Council acting in accord. We concur fully with the Secretary-General's eloquent and telling statement this morning to all of us — the Council and all the Member States of the United Nations, including Iraq.

We have noted carefully and we welcome the assurances given by the sponsors that their purpose in presenting this resolution was to achieve disarmament through inspections, and not to establish a basis for the use of military force. The use of force is, and must remain, a matter of last resort. This is, therefore, a resolution about disarmament, not war. It is about removing all threat of war.

Iraq has been offered a rigorous and fair way forward towards meeting its disarmament obligations, while avoiding the use of force. However, the resolution can leave Iraq in no doubt that it must now cooperate fully with arms inspectors and reassure the world finally that it has divested itself of weapons of mass destruction and the means of delivering them, or face serious consequences.

Ireland supports the resolution, because it offers the most likely means of securing Iraq's voluntary compliance with its disarmament obligations, avoiding a military conflict and preserving the primary responsibility of the Security Council for the maintenance of international peace and security. The resolution represents the outcome of nearly two months of painstaking negotiations in the Council. It has been a remarkable demonstration of the Council's ability to achieve compromise in order to meet its responsibilities to the wider membership of the United Nations. Ireland believes that the integrity of the United Nations Charter and the prerogatives of the Security Council are fully preserved in the terms of this resolution. For Ireland, this is an issue of the most fundamental importance.

The resolution provides for a clear, sequential process, whereby the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) or the International Atomic Energy Agency (IAEA) will give the Council its assessment of any material breach or alleged material breach of Iraq's obligations under Security Council resolutions. The matter will then be fully examined by the Security Council itself.

As far as Ireland is concerned, it is for the Council to decide on any ensuing action. Our debate on 17 and 18 October made it clear that this is the broadly held view within the United Nations. However, we are confident that, should it be necessary, the Council will, in the words of the Secretary-General, face its responsibilities.

The resolution strengthens the hand of the inspectors in valuable ways, and Ireland is fully confident that they will approach their task and apply their mandate with the necessary firmness and wisdom. We know that they are fully conscious of the fact that they act on behalf of the entire international community. The United Nations character of UNMOVIC, established in resolution 1284 (1999) and the multilateral character of the IAEA are a guarantee that the inspections will be carried out with the necessary objectivity and will be strictly limited to the purpose of their mandate, which is the disarmament of Iraq in respect of weapons of mass destruction. Nothing should prejudice the perception that the inspections will be conducted in an independent and impartial manner.

As the concept of material breach is a key element of this resolution, let me make it clear that Ireland's understanding of this concept is in accordance with the definition contained in the 1969 Vienna Convention on the Law of Treaties: "the violation of a

provision essential to the accomplishment of the object or purpose of the treaty" (*Article 60, para. 3 (b)*). There is no doubt, on the basis of this definition, that Iraq has been in material breach of its obligations. We fully expect this same definition to be applied in determining whether any further material breach has occurred, should it become necessary to do so.

The Iraqi people have waited far too long for their chance to recover from a decade of war, followed by a decade of sanctions. The time has now come for Iraq to resume the path of peaceful economic and social development, which is so strongly desired and deserved by the Iraqi people.

The Security Council, representing the international community, has today assumed its responsibilities in order to avert a perilous crisis. The Council has given Iraq a final opportunity to comply with its disarmament obligations. The Iraqi authorities must now respond by assuming their own responsibilities under the Charter.

Ireland calls on the Iraqi Government to choose the path of peace, to cooperate fully with the inspectors and to comply with all its other obligations under Security Council resolutions. It must do so for the sake of its own people, that of its neighbours and in the interests of international peace and security.

Mr. Lavrov (Russian Federation)(*spoke in Russian*): At the very beginning of our work in the Council on this matter, we started with the need to ensure that international inspectors be sent to Iraq as soon as possible, responding to the clearly stated consent by Baghdad to the inspection and monitoring activities of UNMOVIC and the International Atomic Energy Agency (IAEA) in Iraq, without preconditions.

Sharing the concern of all members of the Security Council and the heads of UNMOVIC and IAEA to ensure the most effective inspection activity possible, our delegation participated constructively in work on additional procedures for inspections that would ensure there would be no resumption of Iraqi programmes for weapons of mass destruction and at the same time would create the conditions for a comprehensive settlement of the situation around Iraq, including the lifting of sanctions.

At all stages of this work, we were guided by the need to direct the process of a settlement onto a diplomatic and political path and not to allow a military scenario. As a result of intensive negotiations, the resolution just adopted contains no provisions for the automatic use of force. It is important that the resolution's sponsors today officially confirmed in the Security Council that that is their understanding and that they provided an assurance that the resolution's objective is the implementation of existing Security Council decisions concerning Iraq through inspections by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and by the International Atomic Energy Agency (IAEA). That is an objective shared by all members of the Council.

In that connection, it is of fundamental importance that the resolution clearly confirms that all Members of the United Nations respect the sovereignty and territorial integrity of Iraq and of all other States in the region. It is also confirms the need for full implementation of resolution 1382 (2001), whereby members of the Security Council undertook to seek a comprehensive settlement of the Iraq problem, which assumes the lifting of sanctions.

In addition, we note that the new resolution contains strengthened inspection procedures, which are necessary only to hasten attainment of the goal of non-resumption of Iraqi programmes relating to weapons of mass destruction. Those procedures will be implemented by the heads of UNMOVIC and of the IAEA, fully mindful of their responsibility, which requires professionalism, objectivity and impartiality.

The resolution's wording is not ideal — a fact that the sponsors themselves acknowledge — but that reflects the very complicated nature of the compromise that was reached. The Russian Federation made a choice based on principle to support the resolution, guided by its special responsibility, as a permanent member of the Security Council, for the maintenance of international peace and security. What is most important is that the resolution deflects the direct threat of war and that it opens the road towards further work in the interests of a political diplomatic settlement.

It is particularly important that — as many of my colleagues have said today — in the event of any kind of disagreement over disarmament matters, it is the heads of UNMOVIC and of the IAEA who will report that to the Security Council, and that it is the Council that will consider the situation that has developed. That is the sequence set forth clearly in paragraphs 4, 11 and 12 of the resolution.

We also note the following clarifying points, presented by the sponsors when they introduced the resolution and confirmed by the heads of UNMOVIC and of the IAEA.

First of all, with regard to paragraph 3, more than 30 days will probably be needed for Iraq to submit information on non-military programmes in the chemical and biological areas. However, any delay there will not constitute a violation.

Concerning paragraph 7, nothing in the resolution affects the status of UNMOVIC, of the IAEA or of members of their staff, as independent international personnel. The cooperation of Member States with UNMOVIC and with the IAEA will be carried out fully in accordance with the status and mandates of those organizations.

Paragraph 8 refers to personnel of the United Nations, to those of the IAEA and to any other personnel whom Members of the United Nations may provide to UNMOVIC or to the IAEA on the request of those organizations.

Like all other members of the Security Council, we join in the appeal made today by the Secretary-General on the need for Iraq to comply with all of its disarmament commitments and to cooperate fully with the inspectors of UNMOVIC and of the IAEA, on the basis of the resolution adopted today and Baghdad's declared willingness to cooperate. We note the important role that has been played and continues to be played by the Secretary-General of the United Nations, by the Secretary-General of the League of Arab States and by members of the League in ensuring a comprehensive political settlement of the situation concerning Iraq.

Implementation of the resolution will require goodwill on the part of all those involved in the process of seeking a settlement of the Iraq question. They must have the willingness to concentrate on moving forward towards the declared common goals, not yielding to the temptation of unilateral interpretation of the resolution's provisions and preserving the consensus and unity of all members of the Security Council.

Mr. Tafrov (Bulgaria) (*spoke in French*): Bulgaria has voted in favour of resolution 1441 (2002), convinced that it offers a genuine chance to achieve peace. My country was among the first members of the Security Council that declared themselves in favour of a resolution that would give Iraq one final chance to convince the international community that it possesses no weapons of mass destruction and that it is prepared to destroy, under the supervision of the inspectors of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and of the International Atomic Energy Agency (IAEA), any such weapons that it might possess.

Now, the resolution is a fact. It has been approved unanimously. We welcome that. We have worked tirelessly to reach such unanimity. We are very gratified that all of our proposals to improve the text have been taken into account. We thank the sponsors of the resolution, the United States of America and the United Kingdom, as well as all other members of the Security Council — particularly the French delegation — that contributed to reaching this consensus.

This resolution is not a pretext for automatic recourse to the use of force. Rather, it attests to the international community's determination to work tirelessly for Iraq's disarmament through peaceful means. We welcome the fact that it contains a strengthened and clarified mandate for UNMOVIC and IAEA inspectors. I take this opportunity to thank the Secretary-General, Mr. Kofi Annan, for his extremely useful efforts to resolve the issue of Iraq's disarmament. As stated a short while ago, his wisdom and far-sightedness have always been present and will be useful to us in the coming months.

I should also like to reaffirm Bulgaria's full support for Mr. Hans Blix, for Mr. Mohamed El Baradei and for their teams. We have full confidence in their professionalism, impartiality and independence. We appeal to the Security Council and to all Members of the United Nations to continue to offer them their unswerving support now that they have been given one of the most difficult and highly responsible missions ever assigned in the history of the United Nations. Bulgaria solemnly urges Iraq to cooperate fully with the inspectors.

My country welcomes the fact that the resolution categorically reaffirms the centrality of the Security Council in our decision-making process. Resolution 1441 (2002) is in perfect harmony with my country's dedication to multilateralism as a governing principle of international relations. My country believes that the

resolution sends a strong message to the Baghdad authorities concerning the consequences of any Iraqi failure to comply with Security Council resolutions. The Iraqi authorities hold the fate of their country in their own hands. If they comply with the resolution, the lifting of sanctions would be at hand.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Syria voted in favour of the resolution based on its concern to achieve international unanimity in commitment to the principles of the United Nations Charter and the resolutions of international legitimacy, be they with respect to Iraq, the Palestinian cause or the Arab-Israeli conflict.

Syria voted in favour of the resolution, having received reassurances from its sponsors, the United States of America and the United Kingdom, and from France and Russia through high-level contacts, that it would not be used as a pretext for striking against Iraq and does not constitute a basis for any automatic strikes against Iraq. The resolution should not be interpreted, through certain paragraphs, as authorizing any State to use force. It reaffirms the central role of the Security Council in addressing all phases of the Iraqi issue.

Syria has also received reassurances from the permanent members of the Security Council that the resolution strengthens the mandate of the international inspectors; that it serves the objective of preserving Iraq's sovereignty, territorial integrity and inviolability; and that it will lead to a comprehensive solution of the Iraqi issue.

Mr. Kolby (Norway): Norway voted in favour of the resolution on Iraq.

This resolution is the result of a long and intense period of negotiations and deliberations. Great efforts have been made to make sure that it takes into due account all concerns of the international community in stating very clearly and precisely what is required of Iraq.

Bearing in mind our overall objective of disarming Iraq of weapons of mass destruction, we afford Iraq a final opportunity to comply with its disarmament obligations; we enhance the system of inspections in such a way as to make it more credible and effective; and finally, we commit ourselves to using the Security Council to resolve a serious crisis and thus signal our determination to uphold the authority of the Organization and respect for international law.

Norway wants the conflict with Iraq to be resolved peacefully. This resolution sets out very clearly that the Iraqi authorities have a choice. In case of Iraqi non-compliance, the resolution sets out a procedure whereby the Security Council will convene immediately in order to secure international peace and security. We hope Iraq will choose to fully cooperate with the United Nations.

Ms. Lee (Singapore): On 17 October, in the Security Council's open debate on the situation between Iraq and Kuwait, Singapore spelled out comprehensively its position on this issue. We voted in favour of resolution 1441 (2002), as it is consistent with the positions that we have espoused in the Security Council.

In April 1991, the Council adopted resolution 687 (1991), which provided a comprehensive framework to secure peace and maintain the security of the region. One critical element was the requirement that Iraq fully disarm itself of its weapons of mass destruction. It is clear that Iraq has not complied with resolution 687 (1991) and subsequent resolutions. There is a clear international consensus that Iraq must comply with this Council's resolutions, which it has hitherto defied. As the Secretary-General told the General Assembly on 12 September and reiterated in his compelling statement today,

> "If Iraq's defiance continues... the Security Council must face its responsibilities".

The unanimous adoption of resolution 1441 (2002) today is a clear message to Iraq from the Council. The key objective of this resolution is to set up an enhanced inspection regime to bring to full and verified completion the disarmament process begun by resolution 687 (1991). It makes clear that Iraq will be given a full and final opportunity to comply with its disarmament obligations under the relevant resolutions of the Security Council.

The difference between successful and unsuccessful inspections may be the difference between peace and war. We hope that Iraq will make its decision carefully.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): I wish briefly to note some of the reasons for which Colombia voted in favour of the resolution.

From the outset of the negotiations, Colombia stressed the legal and political need for a resolution acknowledging the new facts and circumstances surrounding the item on Iraq since 12 September. Such a resolution would reinforce the mandate of the United Nations Monitoring, Verification and Inspection Commission and International Atomic Energy Agency inspectors so as to ensure that the inspections are credible and to dispel doubts about possible prohibited weapons programmes. We also said that we must send a clear message to Iraq that the international community does not intend to wait any longer for compliance with the demands made by the Security Council on its behalf.

We also noted that the resolution should be sufficiently forceful and effective to obtain the disarmament of Iraq once and for all and to close the chapter that was opened more than a decade ago with Iraq's aggression against Kuwait. We insisted on preserving the central role of the Security Council, as clearly stipulated in paragraphs 4, 11 and 12. This resolution is not, nor could it be at this time, a resolution to authorize the use of force. It provides a one-time opportunity. Now it is up to Iraq to demonstrate its will to cooperate and its desire to fully reincorporate itself into the community of nations. The cooperation of its Government is indispensable, and in that regard, the declaration requested of it — to be provided during the next 30 days, starting as of today — is essential.

The Council's cohesion, evident in today's unanimous vote, has the advantage of transcending this episode, as it signals the Council's capacity to respond to new and more severe challenges with which the new millennium has begun.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): At the outset, Cameroon wishes to welcome the Secretary-General's presence among us today. We also wish to thank him for his contribution and personal involvement in seeking the peaceful disarmament of Iraq. His message, made last month at the open meeting of the Council devoted to Iraq, was particularly enlightening and meaningful in that regard. Cameroon, which during its presidency of the Council had to deal with the item of Iraq, was grateful to the Secretary-General for his approach to the problem and his involvement and invaluable advice.

We have just adopted unanimously a resolution on the peaceful disarmament of Iraq, so that it will be disarmed of its weapons of mass destruction. It is a text of positive and constructive compromise because it is balanced. It does not acknowledge victory for any particular side. International peace and security are the only victors.

Now the ball is in Iraq's court. Like preceding speakers, Cameroon would like to make a solemn appeal to the Iraqi authorities to cooperate fully with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA), which will soon be deployed in the field. By doing that, the Iraqi authorities will enable Iraq to be true to itself — a land of water, and therefore of life.

My country welcomes the clear statements just made by the sponsors, spelling out the fact that the resolution just adopted, on their initiative, does not contain traps or automaticity. Along with us, they confirm today, in the spirit of the statement of 12 September by made by President Bush to the General Assembly, that they are working, and will always work, for the centrality of the Security Council in the maintenance of international peace and security. Cameroon has always maintained and supported that. Let us trust in the Charter and abide by it.

In conclusion, I would like to wish good luck and the best to the UNMOVIC and the IAEA inspection teams. They have an enormous responsibility. They have a very valuable work tool in their hands: the strong, firm, unanimous and unequivocal support of the Security Council. We know that they are real professionals, who are extremely experienced. We have confidence in them, and wish them the best.

Mr. Traoré (Guinea) (*spoke in French*): I had not intended to speak because I did not have any particular explanation to give of my country's vote, which I consider to be legitimate. Our concerns, voiced during the past six weeks of intense Council negotiations, were indeed taken into account in this resolution. But, at this point, I think it would be a good idea to simply point out that my country welcomes the adoption of resolution 1441 (2002), particularly the fact that it was adopted by consensus, which is a clear message to Iraq. My country considers that that important phase opens the way for the peaceful resolution of the Iraqi crisis and reaffirms the unity and the role of the Security

Council as the guarantor of international peace and security.

My country reaffirms its support for the inspectors and hopes that they will benefit from the Iraqi authorities' full cooperation, in accordance with the mandate entrusted to them by the new resolution.

Finally, I call on the Iraqi authorities to respect their commitments and to comply with their international obligations and those that are in the interest of the Iraqi people.

Mr. Gokool (Mauritius): Mauritius has voted in favour of this resolution, as it is the fruit of intense and constructive negotiations, which took on board all concerns raised by members of the Security Council. We are pleased to see the clear and unambiguous role of the Security Council in the maintenance and promotion of international peace and security through peaceful means.

Mauritius considers that a unanimous vote in favour of this resolution strengthens further unity of the Council, which is the prerequisite for the effective implementation of this resolution, as well as all other Council resolutions. In that regard, we hope that Iraq will comply with the collective wish of the international community. We call on all Council and non-Council members to help in the implementation of this resolution. At the same time, we reaffirm our full trust in Mr. Blix and Mr. ElBaradei and the staff of the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency, and are confident that they will carry out their mandate in the most professional manner. Lastly, we once again salute the special efforts of our Secretary-General in that regard.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

First, I wish to thank the Secretary-General for attending today's meeting and for his important and wise statement.

The Chinese delegation voted in favour of the resolution that has just been adopted. Our decision was based on the Chinese Government's consistent and clear-cut position on the question of Iraq. China stands firmly for a peaceful solution to the question of Iraq, through political and diplomatic means and within the framework of the United Nations. China has always urged Iraq to fully and strictly implement relevant Security Council resolutions and to cooperate fully with the United Nations with a view to thoroughly accounting for and destroying its weapons of mass destruction.

China has consistently held that, in seeking a comprehensive settlement of the question of Iraq, the sovereignty and territorial integrity, as well as the legitimate concerns, of Iraq should be respected and that the Security Council should, depending on Iraq's implementation of relevant resolutions, consider suspending and eventually lifting the sanctions against Iraq, which have been in force for 12 years.

We support dialogue between the Secretary-General and the Iraqi side in order to break the stalemate and welcome efforts by the Arab League and other organizations aimed at a peaceful resolution of the question of Iraq. We also welcome the announcement by Iraq in September that it would unconditionally accept a return of United Nations inspectors, and its subsequent talks with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) on practical arrangements concerning inspections.

We are in favour of strengthening the effectiveness of inspections. At the same time, we believe that relevant provisions relating to the inspections should be practical and feasible. We appreciate the work done by UNMOVIC and the IAEA with regard to the inspections, and hope that they will be able to return to Iraq at an early date to conduct independent, fair, professional and effective inspections, reporting to the Security Council the result of their inspections in a truthful and timely manner. That would enable the Council to draw objective, fair and realistic conclusions and decide on the next steps in the light of the situation and the views of the various parties concerned.

China supports the two-stage approach. The Chinese delegation actively participated at all stages of the consultations on the draft resolution, and put forward its views and suggestions in a constructive manner. We are pleased to note that, after many rounds of consultations, the sponsors of the draft resolution accommodated our concerns, and the Council members have finally reached consensus.

As the sponsors pointed out in their statements earlier, the purpose of the resolution is to achieve the disarmament of Iraq through effective inspections. The text no longer includes automaticity for authorizing the use of force. According to the resolution that has just been adopted, only upon receipt of a report by UNMOVIC and the IAEA on Iraq's non-compliance and failure to cooperate fully in the implementation of the resolution, will the Security Council consider the situation and take a position.

We are also pleased to note that, at the request of many members, including China, the resolution now includes other important elements, for example, reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait and other neighbouring States, commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts and recalling its resolution 1382 (2001) and its intention to implement it fully.

The Security Council bears the primary responsibility for the maintenance of international peace and security — a responsibility that is entrusted to it by the Charter. Now that the Security Council has adopted this important resolution at this crucial moment, we hope that it will contribute to preserving the authority of the Council, facilitate a political settlement of the question of Iraq and enable an early return of United Nations inspectors to Iraq.

It is our hope that Iraq will implement the resolution in good faith, fully cooperate with United Nations weapons inspectors and fully comply with its disarmament obligations, so as to create conditions for an early and comprehensive resolution of the question of Iraq.

We would also like to point out that the United Nations inspectors should draw lessons from the United Nations Special Commission. We trust that UNMOVIC and the IAEA will strictly abide by the mandate provided by the Security Council in its resolutions and faithfully fulfil its duties.

Finally, we once again strongly appeal to all parties to continue to strive for a political solution to the Iraqi issue. That is the common aspiration of the entire international community, particularly the Gulf States and the Arab States. We sincerely hope that the adoption and smooth implementation of the resolution will be conducive to the effective carrying out of weapons inspections in Iraq and facilitate a final and comprehensive resolution of the Iraqi issue within the framework of the United Nations.

I now resume my functions as President of the Council.

There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.

United Nations S/PV.4644/Corr.1

Security Council

Fifty-seventh year

Provisional

4644th meeting
Friday, 8 November 2002, 10 a.m.
New York

Corrigendum

The name of the President *should read* Mr. Zhang Yishan.

02-68593 (E)